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BAHAMAS.

ACTS

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PASSED IN THE SEVENTH AND EIGHTH YEARS

OF THE REIGN OF HIS MAJESTY

KING EDWARD VII;

BEING THE

FIFTH SESSION OF THE GENERAL ASSEMBLY

OF THE BAHAMA ISLANDS

BEGUN AND HOLDEN ON

THE 29TH DAY OF FEBRUARY, 1904.



NASSAU:

PRINTED AT THE OFFICE OF THE "NASSAU GUARDIAN" BY
MARY MOSELEY, APPOINTED BY THE GOVERNMENT OF THE
BAHAMAS THE GOVERNMENT PRINTER OF THIS COM-
PILATION OF STATUTES WITHIN THE MEANING
OF THE IMPERIAL EVIDENCE (COLONIAL
STATUTES) ACT 1907.

1908.

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BAHAMAS.

ACTS

PASSED IN THE SEVENTH AND EIGHTH YEARS
OF THE REIGN OF HIS MAJESTY

KING EDWARD VII;

BEING THE

FIFTH SESSION OF THE GENERAL ASSEMBLY
OF THE BAHAMA ISLANDS

BEGUN AND HOLDEN ON
THE 29TH DAY OF FEBRUARY, 1904;

WITH AN
INDEX,

AND
TABLES SHOWING
THE TITLES OF THE ACTS ARRANGED
CONSECUTIVELY :

ALSO
THE EFFECT OF THE YEAR'S LEGISLATION
ON THE ACTS OF THE COLONY.



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PRINTED AT THE OFFICE OF THE "NASSAU GUARDIAN" BY
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1908.

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JUN 7 1909

TABLE I.

A

TABLE

OF

THE TITLES OF THE ACTS passed by the Legislature of
the Bahama Islands during the Session of 1908,
and assented to on the 8th June, A. D. 1908. ..

7 & 8 EDWARD VII—A. D. 1908.

1. **A**N Act to amend the Interpretation Act, 1907.
(*Interpretation.*)
2. An Act for the Appropriation of divers sums of
money for and towards defraying the expen-
ses of the Government of the Bahama Islands
and for other purposes therein mentioned.
(*Appropriation.*)
3. An Act to grant to certain duties of customs rev-
enue on goods wares and merchandise import-
ed into and exported out of the Colony.
(*Tariff.*)
4. An Act to amend and consolidate the law as to
Marriage. (*Marriage*)
5. An Act to amend the Magistrates Act 1896 by ex-
tending the Civil and Criminal Jurisdiction of
Magistrates. (*Magistrates' Jurisdiction.*)
6. An Act to regulate the administration of the Out
Islands and for the appointment of Cadets.
(*Out Island Administration.*)
7. An Act to consolidate and amend the law relating
to Primary Education. (*Education.*)

8. An Act to amend the Out Island Commissioners of Works Act 1890. (*Out Island Commissioners of Works.*)
9. An Act to prevent the landing of Immigrant Paupers and Stowaways. (*Immigrant Paupers.*)
10. An Act to provide for the numbering of houses in the Island of New Providence. (*Numbering of Houses.*)
11. An Act to amend the Board of Agriculture Act 1906. (*Agriculture.*)
12. An Act to amend the Sponge and Turtle Fisheries Act 1905. (*Sponge and Turtle Fisheries.*)
13. An Act to extend the Provisions of the Insurance Companies Tax Act 1883 to the entire Colony. (*Insurance Companies.*)
14. An Act to amend the law relating to Stamps and other matters. (*Statute Law Revision.*)
15. An Act to amend section eighty-two of the Imperial Bills of Exchange Act 1882 as extended to the Colony. (*Bills of Exchange (Crossed Cheques).*)
16. An Act to increase the salaries of certain public officers. (*Public Establishments.*)
17. An Act granting personal allowances to certain Public Officers. (*Personal Allowances.*)
18. An Act to provide a salary for the President of the Legislative Council. (*President of the Council's Salary.*)
19. An Act to provide a salary for the Deputy Speaker of the House of Assembly. (*Deputy Speaker's Salary.*)

20. An Act to amend the law by making better provision for the Widows of certain intestates in the distribution of such Intestates' property. (*Intestates' Estates.*)
21. An Act to make better provision by law for giving redress to persons having claims against the Crown in the Colony. (*Petition of Right.*)
22. An Act to amend the Electric Light Act 1907. (*Electric Light.*)
23. An Act for enabling Bodies Corporate to hold Property in Joint Tenancy. (*Bodies Corporate Joint Tenancy.*)
24. An Act to attach a Chief Clerk to the office of Auditor of Public Accounts. (*Auditor's Clerk.*)
25. An Act to continue in force the Explosives Act 1902. (*Explosives.*)
26. An Act to amend the Quarantine Act 1905. (*Quarantine.*)
27. An Act to amend the Dog License Act 1907. (*Dogs.*)
28. An Act to enable the Florida East Coast Hotel Company of the State of Florida one of the United States of America to hold land within the Colony in addition to that now held under and by virtue of The Hotel and Steam Service Act 1898. (*Florida East Coast Hotel Company.*)
29. An Act to alter the name of the New Providence Asylum into the Bahamas General Hospital and for other purposes. (*Hospital.*)
30. An Act to amend the Public Service Examination Act 1888. (*Public Service Examinations.*)
31. An Act regulating the law as to Motor Cars in the Island of New Providence. (*Motor Cars.*)

- 32.** An Act to facilitate the admission in evidence of the Compilation of the Laws of the Colony. (*Statute Law Evidence.*)
- 33.** An Act granting a pension to James Anderson, late member of the Bahamas Police Force. (*Pension.*)
- 34.** An Act to amend the Medical Act 1906. (*Medical.*)
- 35.** An Act to consolidate and amend the law relating to Government Fire Engines. (*Fire Engines.*)
- 36.** An Act to amend the Jury Laws. (*Jury.*)
- 37.** An Act to amend the Inter Insular Mails Act 1907. (*Inter Insular Mails.*)
- 38.** An Act to exempt certain goods wares and merchandise from the payment of import duty. (*Tariff.*)
- 39.** An Act to codify the law relating to Marine Insurance. (*Marine Insurance.*)
- 40.** An Act to amend the Hotel and Steam Service Act 1898. (*Hotel and Mail Service.*)

THE STATUTES.

7 & 8 EDWARD 7.

CHAPTER 1.

An Act to amend the Interpretation Act, 1907.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Interpretation Act 1908, and shall be read and construed as one with The Interpretation Act 1907 hereinafter referred to as the Principal Act. Short title.

2. Section 2 of the Principal Act is amended by striking out the meaning thereby assigned to the word "land" and by substituting therefor the meaning following : Amend: section 2 of the Principal Act.

"Land" includes messuages, tenements, and hereditaments, corporeal, or incorporeal, houses and buildings of any tenure, also an undivided share in land.

And the said section is further amended in respect of the meaning thereby assigned to the word

"Treasurer" by striking out the words "and Treasury the Treasury" and by adding the following to the said section " " Treasury" means the Treasury of the Colony."

Principal Act amended by inserting new Section.

3. The Principal Act is amended by inserting between sections 23 and 24 thereof a new section to be numbered 23A in the words following :

Summary Procedure.

23A. Where by any Act or future Act or by any Order, Rule, Regulation or By-Law made under any Act or future Act it is provided that any offence shall be prosecuted summarily ; or any sum of money is directed or authorized to be recovered summarily ; or where a Magistrate is authorized to order or require a person to do or abstain from doing any act, or thing other than the payment of money ; or where anything is declared capable of being enforced summarily, or by summary orders ; or where any amount is declared to be recoverable summarily as a civil debt ; the Magistrates Act 1896 and any Act amending the same shall apply accordingly and such expressions as aforesaid shall mean and include that Act and any Act amending the same and any subsequent Act repealing the Magistrates Act 1896 and conferring jurisdiction on a Magistrate to do any of the acts and things above set out in a summary manner.

Section 25 of the principal Act repealed.

4. Section 25 of the Principal Act is repealed and the following section is substituted for it.

Payment of moiety of penalty by direction of Governor in Council.

25. Where any fine or penalty is imposed by or under the authority of any Act every such fine or penalty notwithstanding anything contained in any past Act, shall be payable into the Treasury, but the Governor in Council may direct the payment to any aggrieved person or person whose information or evidence shall have led to the conviction of the offender or the recovery of the fine or penalty of such proportion of the fine or penalty as he may think fit.

Re-print of amended Act.

5. Where an Act has been amended any copy of such Act printed after the commencement of the amending Act shall be printed with the additions omissions substitutions and amendments required by such amending Act.

6. Whenever a Special Session of the Legislature shall be convened all Acts that would expire with the termination of the then approaching annual Session shall continue in force until the expiration of such annual Session notwithstanding the holding of any such Special Session.

Continuing
section.

7. Section 2 of 61 Victoria Chapter 9 is hereby repealed.

Repeals sec-
tion 2 of 61
Vic., cap. 9.

CHAPTER 2.

An Act for the appropriation of divers sums of money for and towards defraying the expenses of the Government of the Bahama Islands and for other purposes therein mentioned.

[8th June 1908.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the House of Assembly of the Bahama Islands in General Assembly, deeming it expedient that certain sums of money should be appropriated for the public service and other expenses hereinafter mentioned do therefore most humbly beseech Your Majesty that it may be enacted ; and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council, and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Appropriation Act 1908.

Short title.

2. There shall be paid out of the Treasury by Warrant in the usual manner the following sums of

Authority
for pay-
ments.

money for Public Services and other expenses hereinafter mentioned that is to say :

Board of
Public
Works, New
Providence.

TO THE BOARD OF PUBLIC
WORKS FOR THE ISLAND
OF NEW PROVIDENCE.

To enable them to perform
the works and pay for
the services hereinafter
mentioned up to the 31st
day of March 1909 to be
accounted for, that is to
say : —

Roads and
Streets.

Roads and Streets.

1. For general repairs
weeding and upkeep of
roads and sidewalks
in the City and Sub-
burbs. 1100 0 0
2. Country Roads through-
out the island, to weed,
widen, repair and im-
prove. 1000 0 0
3. To pay expenses inci-
dental to watering the
streets including re-
pairs and additions. . . . 300 0 0
4. To repair Shirley Street
from St. Matthew's
Church to Breezy Hill . . . 370 0 0
5. Public Grounds and
open spaces—to weed
and keep in order 50 0 0
6. To continue the con-
struction of concrete
sidewalks in the City
and suburbs. 300 0 0
7. To put up street names
in terra cotta tiles 15 0 0

8. For the employment of scavengers and the sweeping and cleaning of the streets, lanes and drains in the Island of New Providence	1050	0	0
9. For the purchase of a street sweeping machine	100	0	0
10. To import a street roller	400	0	0
11. Upkeep of same	200	0	0
12. To repair Harrold's Road and to construct a short length of new road to connect this road with the new road to Lake Cunningham made last year.	60	0	0
13. To make a road at West End of new Providence to connect the present end of Western Road with South West Bay. .	231	3	4
14. To make a road at East End of New Providence to connect East Bay St. near Swing Gate with the Fox Hill Road. . . .	140	10	5
15. To make a road connecting Bay street near the Hermitage with Sandilands Village and to sink a well	160	0	0

*Abutments and Sea Fences.***Abutments
and Sea
Fences.**

16. To keep in repair the sea fences on Western road	10	0	0
------------------------------------------------------------	----	---	---

	17. To repair and make good the abutment or seawall in front of St. Matthew's old burial ground and to fill in a washed out part of the foreshore in front of the Eastern Parade . . .	50	0	0
	18. To construct steps at Rawson Square to the West of the existing steps	20	0	0
Drains and Bridges.	<i>Drains and Bridges.</i>			
	19. Incidental repairs, alterations and additions to drains and bridges .	150	0	0
Public Buildings.	<i>Public Buildings.</i>			
	20. Incidental repairs, alterations and additions to buildings and furniture to include the House of Assembly and Legislative Council Chambers	75	0	0
	21. Insurance of Public Buildings in charge of the Board of Public Works	80	0	0
	22. To put eaves guttering around Public Buildings	19	17	3
	23. To put stone drains at various places around Public Buildings	30	12	7
	24. To take down present lath and plaster ceiling in Legislative Council Chamber and put new ceiling of Stamped Metal	85	0	0
	25. To alter the ground floor of Library building to make it suitable for library purposes	110	0	0

1908.

Appropriation Act, 1908.

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7

26. To clean Public Offices — Court Room, Legis- lative Council, and House of Assembly Chambers &c., and as- sistance in general at- tention	40	0	0
27. Emptying, cleaning, supplies and general attention to closets ap- pertaining to Public Buildings and Police . .	15	0	0
28. For petty repairs, al- terations and additions and keeping the grounds clean and free from weeds in and around Barracks, Fire Stations, Rifle Range, Guard Rooms, and other buildings and appliances in charge of the Police	60	0	0
29. Colour wash and point up walls and paint woodwork and gates and fences &c. at the Barracks	150	0	0
30. To construct an addi- tional tank for storage of rainwater at Bar- racks	80	0	0
31. To put new roof Fire Engine Shed, Grant's Town	45	0	0
32. Eastern Guard Room and fire engine shed and closet To repair roof of main building and closet, to scrape and colour walls out and in and to paint wood and ironwork	41	0	0

33. To provide additional furniture and to make certain alterations in the Post Office 25 0 0

Government House.

Government House.

34. Incidental repairs, alterations and additions to furniture, gates, fences, walls, paths, drives, &c., to include the main buildings, annexes, and those in the grounds 150 0 0
35. For the employment of a gardener and assistants and upkeep of appliances for the grounds and gardens 200 0 0
36. For cutting down the bush in the southern part of the grounds 15 0 0
37. To improve the fittings inside the stable and coach house 50 0 0
38. To fill in swamp Southern part of grounds 130 0 0
39. To repair summer house in grounds 15 0 0
40. To improve the accommodation at Government House in addition to the sum of £1000 granted from Crown Funds 1000 0 0

Nassau Prison.

Nassau Prison.

41. Incidental repairs, alterations and additions to buildings, grounds, furniture, walks, gates etc. and emptying cess-pits 45 0 0
42. New roof dark cells 30 0 0

*Nassau Market, Ice House
and Jetty, Slaughter House
at Market and Eastern
District and Grant's Town
Market.*

**Nassau Mar-
ket, Ice
House and
Jetty, and
Slaughter
Houses.**

43. Incidental repairs, alterations and additions and lighting and scavenging	175	0	0
44. Cleaning closets on Ice Jetty	45	0	0
45. To enclose the upper part of circular openings in Market with glazed sashes	130	0	0
46. To raise one sunken closet and to rebuild additional closets	57	0	0
47. To repair the whole and to rebuild part of the Ice Jetty using stone pillars on outer end.	184	0	0

Public Wells.

**Public
Wells.**

48. To clean out and repair	35	0	0
---------------------------------------	----	---	---

Quarantine Station.

**Quarantine
Station.**

49. Weeding grounds, incidental repairs, alterations and additions and cost of inspection	23	0	0
50. To reshingle and paint inside roof of Western building at Quarantine Station known as Convalescent Hospital and to put a new roof to the kitchen of that building and to whitewash or colourwash all the buildings	150	0	0

Forts and
Signal Sta-
tions.*Forts and Signal Stations.*

- | | | | |
|------------------------------------------------------------------------------------------------------------------|-----|---|---|
| 51. Incidental repairs, alterations and renewals to flagstaff, huts, and halliards &c. | 25 | 0 | 0 |
| 52. For supply of new flags and repairs to old ones. | 45 | 0 | 0 |
| 53. For clearing bush and roads in and around the Forts, weeding inside the Powder Magazine at Fort Charlotte. . | 10 | 0 | 0 |
| 54. To rebuild bridge over moat at Fort Charlotte. | 60 | 0 | 0 |
| 55. For planting trees, putting seats and a well and general improvements around Fort Montague | 100 | 0 | 0 |
| 56. To put a new flagstaff at Fort Fincastle. | 40 | 0 | 0 |

Burial
Grounds.*Burial Grounds.*

- | | | | |
|---------------------------------------------------|-----|---|---|
| 57. Weeding and petty repairs in addition to fees | 100 | 0 | 0 |
|---------------------------------------------------|-----|---|---|

Miscellaneous.

Miscellaneous.

- | | | | |
|--------------------------------------------------------------------------------------------------------------|-----|---|---|
| 58. Unforeseen and contingent services and excesses necessary to any item voted by the Board. | 300 | 0 | 0 |
| 59. To hire premises for storage of Board of Works' tools and materials | 40 | 0 | 0 |
| 60. To purchase lot of land adjoining abutment immediately west of premises formerly occupied by Pilot Kemp. | 64 | 0 | 0 |

61. For the purchase of Steam Fire Engine, hose, hosecarts, land on which to erect building, to build Engine house in the Western District and to supply drying pole and water cart . .	669	4	3
62. For the erection of a Light at the East End of New Providence and to make a path thereto	190	7	9
63. To make provision for the better accommoda- tion of Jurors during the year.	25	0	0
64. To meet expenditure for flushing drains, when necessary, by the steam fire engines . . .	250	0	0
	<hr/>	<hr/>	<hr/>
	10915	15	7

*Lighthouses.*Light-
houses.

65. Hog Island, Mainte- nance, Incidental re- pairs, alterations and additions	120	0	0
66. To put a new flagstaff at the Point Hog Island..	55	0	0
67. Athol Island, Mainte- nance, incidental re- pairs, alterations and additions	20	0	0
68. Athol Island — Assis- tant Keeper's Salary . .	24	0	0
69. Beacon Cay, Mainte- nance, incidental re- pairs, alterations and additions	35	0	0
70. Beacon Cay — Salaries of Keepers	150	0	0
71. New Providence, Main- tenance, incidental re- pairs, alterations and additions	18	0	0

	72. New Providence, Salaries of Keepers	69	0	0	
		<hr/>			491 0 0
Governor in Council.	TO THE GOVERNOR IN COUNCIL.				
	<i>Out Island Lights.</i>				
Out Island Lights.	73. Duck Cay Light — Maintenance and incidental repairs	18	0	0	
	74. Salaries of 2 keepers at £36 and £33 a year respectively	69	0	0	
	75. Little Harbour Light — Maintenance and incidental repairs	18	0	0	
	76. Salaries of 2 keepers at £36 and £33 a year respectively	69	0	0	
	77. Fresh Creek Harbour Light — Maintenance and incidental repairs..	30	0	0	
	78. Nicoll's Town Harbour Light — Maintenance and incidental repairs..	30	0	0	
	79. Cupid's Cay Light, Governor's Harbour — Maintenance and incidental repairs	30	0	0	
	80. Tarpum Bay Harbour Light — Maintenance and incidental repairs.	30	0	0	
	81. Gregory Town Harbour Light, Stafford Light — Maintenance and incidental repairs	30	0	0	
	82. Egg Island Light — Maintenance and incidental repairs	18	0	0	
	83. Salaries of 2 keepers at £36 and £33 a year respectively	69	0	0	
	84. East End, Eleuthera, Light — Maintenance and incidental repairs..	30	0	0	

85. Salaries of 2 keepers at £36 and £33 a year respectively	69	0	0
86. Clarence Town Harbour Light — Maintenance and incidental repairs	30	0	0
87. Inagua Harbour Light — Maintenance and incidental repairs	30	0	0
88. Grand Bahama Light — Maintenance and incidental repairs	30	0	0
89. Staniard Creek Harbour Light—Maintenance and incidental repairs	30	0	0
90. Bimini Harbour Light —Maintenance	6	10	0
91. Arthur's Town Harbour Light—Maintenance	6	10	0
92. Bennett's Harbour Light—Maintenance ..	6	10	0
93. Port Nelson Harbour Light—Maintenance ..	6	10	0
94. Ragged Island Light—Maintenance	6	10	0
95. Gold Cay, Andros Island Light—Maintenance	6	10	0
96. Sharp Point Rock, Andros Island, Light—Maintenance and salary	30	0	0
97. George Town, Exuma, Light — Maintenance and salary	6	10	0
98. Marsh Harbour, Abaco, Light — Maintenance and salary	10	0	0
99. Watling's Island Light —Maintenance and salary	6	10	0

	100. To purchase site and erect lighthouse and keepers' dwellings at Hawk's Nest Point, San Salvador	500	0	0	
	101. Salaries of keepers	69	0	0	
	102. Maintenance of light.	18	0	0	
		<hr/>			1309 0 0
Governor in Council.	TO THE GOVERNOR IN COUNCIL.				
Formaintenance of the Nassau and Out-Island prisons.	<i>For the maintenance of the Nassau and Out Island Prisons.</i>				
	103. Food for Prisoners	560	0	0	
	104. Clothing, bedding and other necessities	200	0	0	
	105. Salaries and Uniforms	700	0	0	
	<i>Out Island Prisons.</i>				
	106. Pay salaries, food, clothing, bedding, tools, contingencies, &c.	220	0	0	
	107. Unforeseen and contingent services and any excess on the above items	50	0	0	
		<hr/>			1730 0 0
Commissioners of the New Providence Asylum.	TO THE COMMISSIONERS OF THE NEW PROVIDENCE ASYLUM.				
	108. For the general expenses of the Institution (to be accounted for in a special classified return)	5500	0	0	
	109. To indemnify the Commissioners of the N.P. Asylum for excess expenditure incurred by them in erection of Superintendent's residence	120	0	0	
		<hr/>			5620 0 0

BOARD OF PILOTAGE.

Board of
Pilotage.

110. Dredging operations, wages of engineer, fire- man, labourers, parts of machinery, coal, etc.	450	0	0
111. To supply new machi- nery for Dredger	150	0	0
112. Maintenance of Signal- men at Forts Charlotte and Fincastle, two at £36 per annum	72	0	0
113. Incidentals	5	0	0
	<hr/>		

677 0 0

COMMANDANT OF CON-
STABULARY.Comman-
dant of Con-
stabulary.*Fire Engines Department.*Fire Engines
Depart-
ment.

114. Engineer	75	0	0
115. Assistant Engineer ..	50	0	0
116. Oil, wood, coal, re- pairs	15	0	0
117. Drawing to fires	10	0	0
118. Allowance to Eastern Volunteer Fire Bri- gade	20	0	0
119. Allowance to City Volunteer Fire Bri- gade	20	0	0
120. Unforeseen expendi- ture in hose, suction pipe, &c.	80	0	0
121. Engineer for new City Fire Engine	60	0	0
122. Oil, wood, coal, re- pairs	15	0	0
123. Drawing to fires	5	0	0
124. Allowance to Southern Volunteer Fire Brigade	20	0	0
125. Unforeseen expendi- ture in hose, suction pipe, &c.	5	0	0
126. Salary of Engineer Southern Volunteer Fire Brigade	40	0	0

127. For upkeep, repairs, alterations and attention to hydrants and appliances of Southern Volunteer Fire Brigade	60	0	0
128. Engineer for Western Fire Engine	50	0	0
129. Oil, wood, coal, repairs	15	0	0
130. Allowance to Western Volunteer Fire Brigade	20	0	0
131. Inspection of Steam Fire Engines	16	16	0
132. For upkeep of Fire Engines for Harbour Island and Governor's Harbour	40	0	0
133. For new uniforms for Eastern Volunteer Fire Brigade	100	0	0
	<hr/>		
		716	16 0

Governor in
Council.

TO THE GOVERNOR IN
COUNCIL.

To enable the Commissioners of Public Works on the following Out Islands to perform the Works and pay for the Services hereinafter mentioned up to the 31st day of March, 1909, to be accounted for, that is to say :

Abaco.

ABACO.

Cherokee
Sound.

Cherokee Sound.

134. For general repairs, weeding, and upkeep of Roads and Streets . .	20	0	0
135. For general repairs, weeding, and upkeep of O'Neil Creek Road	2	10	0

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136. For general repairs, weeding and upkeep of roads at Sandy Point	5	0	0
137. For general repairs, weeding, and upkeep of Burial Grounds	6	0	0
138. For upkeep of Public Lots	5	0	0
139. For upkeep of sea- boards	8	0	0
140. For upkeep of Cay boat	10	0	0
141. For upkeep of Spit boat	3	0	0
142. For repairs to Govern- ment wharf, South side	5	0	0
143. Tackle, Blocks, Can- hook and Stops for the North side of the wharf	2	0	0
144. To continue to clear part of sea front of Conch-shells	6	0	0
	<hr/>		
	72	10	0

*Hope Town.**Hope Town.*

145. For general repairs, weeding and upkeep of roads and streets in the district	60	0	0
146. For general repairs, weeding and upkeep of public road at Great Guano Cay	15	0	0
147. To sweep and scavenge public roads through- out the year	10	0	0
148. To build three (3) drains for the outlet of water on public roads..	12	0	0
149. To weed and keep clean public lots	2	0	0

150. For general repairs, weed, and upkeep of four (4) burial grounds	8	0	0
151. For general repairs, weeding and upkeep of public burial grounds at Great Guano Cay . .	2	0	0
152. For enclosing No. 4 burial ground at Hope Town with wooden fence and painting the same	50	0	0
153. For repairing fence of Nos. 1 and 2 Cholera burial ground	10	0	0
154. To build a jetty on the sea shore to save public street	10	0	0
155. To provide a flagstaff for Public office and to put curbing and stays.	10	0	0
156. To improve the entrance to the harbour at Hope Town, Abaco.	400	0	0
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Marsh Harbour.*Marsh Harbour.*

157. For general repairs weeding, and upkeep of public roads.	40	0	0
158. For completion of new road	100	0	0
159. For building 2 abutments for protection of new road	20	0	0
160. For macadamizing a cross road.	10	0	0
161. For repairs to East Side Road	30	0	0
162. For upkeep and addition to drains	30	0	0
163. For general repairs, weeding and upkeep of Burial Grounds	4	10	0

164. For purchasing a piece of ground for burial ground and fencing same, etc.....	40	3	6
165. To provide a bookcase for magisterial forms &c	2	0	0
166. For general repairs, weeding and upkeep of public roads at Man of War Cay.....	30	0	0
167. For opening a new road at Man of War Cay	10	0	0
168. For general repairs, weeding, and upkeep of burial ground at Man o' War Cay.....	4	0	0

320 13 6

Green Turtle Cay.

169. For general repairs, weeding and upkeep of roads at Green Turtle Cay and the mainland.....	45	0	0
170. To renew Bay Street by filling in and macadamizing.....	30	0	0
171. To open and construct a road from Blackwood to Big Grape Tree....	15	0	0
172. For general repairs, weeding and upkeep of 2 cross roads Cooper's Town and Old Place.....	6	0	0
173. For general repairs, weeding, and upkeep of Cedar Harbour road	2	10	0
174. To repair abutment facing harbour.....	10	0	0
175. For general repairs, weeding and upkeep of burial ground, Green Turtle Cay.....	9	0	0

Green Turtle Cay.

176. For general repairs, weeding and upkeep of 3 burial grounds on Mainland and one at Cedar Harbour.....	4	0	0
177. To rebuild burial ground wells at Black- wood	4	8	0
178. 4 chairs for Police Of- fice.....	2	0	0
179. Clock for Resident Justice's office.....	2	0	0
	<hr/>		
	129	18	0

Andros Is-
land.

ANDROS ISLAND.

Mangrove
Cay.*Mangrove Cay.*

180. For general repairs, weeding upkeep and improvement of exist- ing roads and drains in the District	150	0	0
181. To construct a road and drain from the Bap- tist Chapel at Pinder's to the public burial ground	13	10	0
182. To construct a road through the coppice Settlement to Long Bay Cays.....	30	0	0
183. To keep open drains at Mangrove Cay.....	2	0	0
184. To build a sea-wall at the drain Mangrove Cay	12	0	0
185. For general repairs, weeding and upkeep of nine burial grounds in the district.....	9	0	0
186. To whitewash the 2 gaols.....	1	10	0

187. For general repairs,
weeding and upkeep
of roads in the settle-
ments of Staniard
Creek and Blanket
Sound..... 24 0 0

188. For general repairs,
weeding and up-keep
of burial grounds in
the settlements of
Staniard Creek and
Blanket Sound..... 2 0 0

244 0 0

Nicolls Town.

Nicolls
Town.

189. For general repairs,
weeding and up-keep
of roads and streets
throughout the district 40 0 0

190. To continue to im-
prove the roads and
streets at Nicolls Town 160 0 0

191. To continue to im-
prove the roads and
streets at Mastic Point 80 0 0

192. To build a bridge
across Sandy Creek
Conch Sound..... 30 0 0

193. For general repairs,
weeding, and upkeep
of the burial grounds
at Nicolls Town and
Mastic Point..... 3 0 0

194. To complete filling in
the swamp at Nicolls
Town..... 50 0 0

195. To paint, whitewash,
and colour-wash the
Residency, Police Of-
fice, and Gaol and sup-
ply a new door for the
northern end of the
Gaol..... 9 2 6

196. To supply press with
pigeon holes for Police
Office..... 3 0 0

197. To supply and curb 2 wells at Mastie Point .	10	0	0
198. To build 2 public closets at Nicolls Town on the coast near the new landing place	14	0	0
199. To supply Flagstaff at Police Office yard	8	0	0

 497 2 6
Bimimis.**BIMINIS.**

200. For general repairs, weeding, and upkeep of roads in Alice and Bailey Towns.	16	10	0
201. To repair and extend macadamized roads throughout the islands	40	0	0
202. To re-build walk from Resident Justice's Office to street.	5	0	0
203. To fill in and macadamize a portion of road which will connect two portions leading to Alice Town burial ground.	20	0	0
204. For weeding and keeping clean office and Jail lots.	2	0	0
205. Upkeep of Alice Town Canal.	3	0	0
206. Upkeep of Bailey Town Canal.	3	12	0
207. For general repairs, weeding and upkeep of burial grounds (2) Alice and Bailey Towns	7	0	0
208. To renew casing and curb wells etc. in office lot.	5	0	0
209. To supply sashes for office windows and putting in same.	6	0	0

210. To renew under-pin- ning to office and build a dwarf wall to protect the same	5	0	0	
211. To supply a press for office papers	5	0	0	
212. For building a sea- fence along a part of the seashore at Alice Town to prevent en- croachment of sea.....	45	0	0	
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ELEUTHERA.

Eleuthera.

Governor's Harbour.

Governor's
Harbour.

213. For general repairs, weeding and upkeep of the roads and streets of Cupid's Cay, Main- land and Colebrook Dale	150	0	0	
214. For general repairs, weeding and upkeep of the road from Gov- ernor's Harbour to James' Cistern	15	0	0	
215. For general repairs, weeding and upkeep of road along James' Cistern	3	0	0	
216. To complete Harbour Road Cupid's Cay....	45	0	0	
217. To weed, sweep and improve the South side of Cupid's Cay.....	12	0	0	
218. To continue grading Big Hill, Haynes Avenue.....	40	0	0	
219. To cut and grade a section of Pine Street	15	0	0	
220. To improve the road from Charlow's Bay to Long Point.....	20	0	0	

221. To widen the causeway along the Gospel Hall lot.	6	0	0
222. To repair the wooden bridge on the causeway between Cupid's Cay and the mainland.	5	10	0
223. For general repairs, weeding and upkeep of the two cemeteries at Governor's Harbour.	12	0	0
224. For general repairs, weeding and upkeep of the two burial grounds at James' Cistern.	3	0	0
225. To divide the Eastern Cemetery at Governor's Harbour in two, remove and re-erect the section of new fence and complete the enclosure of both parts with additional new fence	40	0	0
226. To keep clean and repair the public closets.	12	0	0
227. To keep clean the public wells at James' Cistern and Governor's Harbour.	3	0	0
228. To weed and keep clean the recreation grounds, Library grounds and other public grounds	15	0	0
229. To complete and cover a large tank on the prison premises.	10	0	0
230. To smooth and level the landing around the derrick on the mainland	5	0	0

231. To make a road between James' Cistern and Hatchet Bay	50	0	0	
232. To construct a sea wall on the Mainland	100	0	0	
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*Savannah Sound.***Savannah
Sound.**

233. For general repairs, weeding and upkeep of public road from Savannah Sound to Governor's Harbour	18	0	0
234. For general repairs, weeding and upkeep of the roads and streets of Savannah Sound settlement	15	0	0
235. For general repairs, weeding and upkeep of the roads and streets of Palmetto Point settlement	10	0	0
236. For general repairs, weeding and upkeep of the public road from Savannah Sound settlement to the South landing	10	0	0
237. For general repairs, weeding and upkeep of the public road from Palmetto Point to the South landing	10	0	0
238. To improve Culmer St., Savannah Sound	20	0	0
239. To improve Thompson's Street, Savannah Sound	20	0	0
240. To cut stone and improve the street opposite Cornelius Bullard's premises	10	0	0

241. To cover sections of the drains at Savannah Sound.....	6	0	0
242. For general repairs, weeding and upkeep of two burial grounds at Savannah Sound....	5	0	0
243. For general repairs, weeding and upkeep of the burial grounds at Palmetto Point.....	3	0	0
244. To repair the Burial Ground Fence at Palmetto Point	16	10	0
245. To clean and keep clean the public wells at Palmetto Point and Savannah Sound.....	2	4	0
246. To construct a shed at the South landing Savannah Sound.....	21	0	0
247. To deepen the entrance to Kemp's Creek and make a harbour for boats.....	25	0	0
248. To repair the public Pound at Palmetto Point and supply a lock.....	3	0	0
249. To provide, clean and fence in burial ground at Palmetto Point.....	25	0	0
250. To complete a road at Palmetto Point.. ..	80	0	0
251. To complete 'a road from Savannah Sound to Tarpum Bay.....	200	0	0
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Rock Sound.

Rock Sound.

252. For general repairs, weeding and upkeep of public streets.....	20	0	0
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253. For general repairs, weeding and upkeep of the road from Rock Sound to the Eastern Beach.....	5	0	0
254. For general repairs, weeding and upkeep of the road half-way leading from Rock Sound to Tarpum Bay.	10	0	0
255. For general repairs, weeding and upkeep of the road from Rock Sound to Starve Creek.	10	0	0
256. For general repairs, weeding and upkeep of the road from Green Castle to Skinner's Tract.....	6	0	0
257. For general repairs, weeding and upkeep of the road from Starve Creek to Skinner's Tract.....	5	0	0
258. To continue the im- provement of the streets in the Town- ship	25	0	0
259. For general repairs, weeding and upkeep of the Old Burial Ground.	5	0	0
260. For general repairs, weeding and upkeep of the New Burial Ground	2	10	0
261. To repair the walls of the Old Burial Ground.	24	0	0
262. To build a cause- way in the public street in front of the Old Burial Ground.....	40	0	0
263. To cement the top of the two retaining walls of the drain in the main dingle.....	5	0	0

264. To repair the retaining walls of the causeway in King Street South from the Episcopal Church	2	0	0	
265. To clean, limewash, and paint decking 4 public wells	1	2	0	
266. To make a road at Green Castle from the settlement to the sea beach	50	0	0	
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Wemyss'
Bight.

Wemyss' Bight.

267. For general repairs, weeding and upkeep of the public roads in the district	30	0	0	
268. To keep open the road from Free Town to the North Beach	3	0	0	
269. For general repairs, weeding and upkeep of 2 cross roads in the township of Bannerman Town	3	0	0	
270. To construct a road from Bannerman Town to the Lighthouse	10	0	0	
271. To partly cut down 2 hills in the road in Green Castle, and build causeways	25	0	0	
272. For general repairs weeding, and upkeep of 7 burial grounds..	7	0	0	
273. To continue levelling the road in front of the township of Wemyss' Bight	20	0	0	
274. To continue improving the road between John Millar's and Hertford	10	0	0	

275. To continue improving the road from Hertford to Wemyss' Bight	15	0	0	
276. To continue improving the road from Wemyss' Bight to Waterford . .	15	0	0	
277. To continue improving the road from Waterford to Delancy Town	15	0	0	
278. To continue improving the road from Delancy Town to Free Town . .	10	0	0	
279. To keep open the road from Hope Estate to Deep Creek	5	0	0	
280. To open a public road leading from Bannerman Town to the North beach	4	0	0	
281. To enclose a new burial ground at Bannerman Town with a stone wall and furnish a gate and lock	20	0	0	
282. To complete the burial ground at Wemyss' Bight, including gate	6	10	0	
283. Repairs to old burial ground at Wemyss' Bight	3	10	0	
284. Repairs to the Bridge at Wemyss' Bight	9	0	0	
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Tarpum Bay.

Tarpum Bay.

285. For general repairs, weeding and upkeep of roads and streets	50	0	0	
286. To complete Front Street	45	0	0	
287. To commence the filling of 3 cross streets	120	0	0	
288. To commence the filling of Shell Alley	50	0	0	

289. For filling an alley	20	0	0
290. To commence the filling of Duke Street . . .	30	0	0
291. To continue the filling of George Street	40	0	0
292. To commence the filling of Patrick Street .	30	0	0
293. To complete the filling an alley	12	0	0
294. To complete a cross alley	30	0	0
295. To open the road leading to the North beach	20	0	0
296. To clean the road to Rock Sound and finish the filling of a portion of it	25	0	0
297. For cleaning principal drain and attendance to floodgate	6	0	0
298. For general repairs weeding and upkeep of burial grounds	12	0	0
299. For painting the Burial ground fence	20	0	0
300. To make a recreation ground	10	0	0
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Exuma.**EXUMA.****George
Town.***Georgetown.*

301. For general repairs, weeding and upkeep of Roads from Ramsays, Great Exuma, to Hog Cay Cut, Little Exuma.	70	0	0
302. For general repairs, weeding and upkeep of six Burial grounds . . .	7	0	0
303. Public Wells, cleaning and repairs to	8	0	0
304. Recreation Ground or Public Square, George Town, to weed, plant trees, pay attendants &c	5	0	0

305. Ferry Boat between Great and Little Exuma, to supply rope, oars, painting and incidental repairs	2	10	0
306. Paradise Road, from Hermitage to Tar Bay, to complete improving	30	0	0
307. Road from "Hooper's" to Tar Bay Gate. to complete improving the	36	0	0
308. Hermitage to Moss Town, to commence improving the road from	15	0	0
309. Forbes Hill to Williams Town, Little Exuma, to improve the Road from	30	0	0
310. Hartswell to Rolle Town, to commence improving the Road from	30	0	0
311. Ramsays to Broomalaw, to commence improving the road from	40	0	0
312. Haynes Road across the Island of Great Exuma, to continue improving	20	0	0
313. Sharp Rocks. To improve a portion of road through Great Exuma, near Jimmie Hill known as.	22	0	0
314. Road at Williams Town, to remove sand and erect sea fence to prevent sand falling on to	15	0	0

315. Charlotte Street in the township of George Town, to improve by cutting down hill building a retaining wall on each side along the pond and filling in and macadamizing	50	0	0
316. Police Office George Town to provide press with pigeon holes for keeping papers, books, Revenue and other forms and additional pigeon holes for Magisterial forms in existing stand, supply of chairs &c.	10	0	0
317. Residency, George Town. To provide 4 inside doors and erecting the same, supplying pump and fittings to well	11	0	0
318. Pond at Rolle Town, to complete cutting out Mangroves, repairs to masonry at gate and retaining wall.	10	0	0
319. Residency, George Town. To reshingle stone building, and place covered shed between this and the Residency, repair and shingle another building, to be used as a kitchen	20	0	0
320. To build a Police Office in the Gaol lot and to carry out other works rendered necessary to walls, gate and pond	100	0	0
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*Steventon.***Steventon.**

321. For general repairs weeding and upkeep of roads and streets from Ramsay's to Barratarri.	30	0	0
322. For general repairs, weeding and upkeep of 3 burial grounds. .	5	0	0
323. Public Wells, to construct well at the Forest settlement, clean and keep clean 10 others.	9	0	0
324. Road from Muster Ground to Stuart Manor to improve by filling in hollows, building causeways, and cutting down projecting rocks.	50	0	0
325. Road from the Forest to Moss Town, to continue improving	50	0	0
326. Drum Hole Road, to commence improving. .	30	0	0
327. Road between "Farmer's Hill" and "Roker's Point," to open.	10	0	0
328. Road between West boundary of Steventon and Rocky Hill Gate, to improve.	20	0	0
329. Office at Steventon, to supply 4 chairs, provide flagstaff, weeding grounds and opening &c.	12	0	0

330. Road from Steventon to Richmond Hill, to commence making a public road by opening lines clearing from Steventon to Richmond Hill and building a causeway at Big Pond, and another at Boggy Hole.....	59	0	0	
331. Ponds at Steventon, to commence cutting canals to connect ponds with the sea.....	250	0	0	
				525 0 0

Grand
Bahama.

GRAND BAHAMA.

332. For general repairs, weeding and upkeep of roads and streets ..	46	0	0	
333. To continue the road at Sweeting's leading to Bootle Cove.....	6	0	0	
334. To continue the road at Freetown to Golden Grove.....	6	0	0	
335. To continue the road at Settlement Point...	6	0	0	
336. To continue the road at Deadman's reef to Rockpoint.....	6	0	0	
337. To continue the road from Hunter's Settlement leading to Dundee Bay.....	6	0	0	
338. To build a bridge of stone or native pine wood at Burnside Cove	7	0	0	
339. To complete the bridge at 8 Mile Rock.....	10	0	0	
340. For general repairs upkeep and weeding of 3 burial grounds...	18	0		

341. To enclose $\frac{1}{4}$ acre of land at Lightbourn and Sweeting Cay, Carrion Crow Harbour, for a cemetery for those settlements	7	0	0
342. For digging a public well in the settlement of High Rocks for the use of spongers	5	10	0

 106 8 0

HARBOUR ISLAND.

Harbour
Island.

343. For general repairs, weeding and upkeep of roads and streets . . .	150	0	0
344. To macadamize and drain a Street leading from Colebrook Street to the junction of King and Dunmore Streets .	35	0	0
345. For general repairs, weeding and upkeep of the road from Bottom Harbour to Cotton Hole	10	0	0
346. For general repairs, weeding and upkeep of the road from Long Point to Spanish Wells	10	0	0
347. For general repairs, weeding, and upkeep of burial grounds	20	0	0
348. To replace and paint fence along edge of quarry on Hill Street .	20	0	0
349. To clean out and whitewash or colour-wash the closet in gaol yard	3	0	0
350. To paint and colour wash the enclosing walls of gaol yard	20	0	0
351. To erect a jetty at Cistern Bay	25	0	0

352. To put down a pump for public use.	10	0	0
353. To point stone portion of public wharf.	5	0	0
354. To repair causeway on road leading from Spanish Wells road to Ben Bay.	5	0	0

Upper
Bogue.*Upper Bogue.*

355. For general repairs, weeding, and upkeep of roads.	6	0	0
356. For general repairs, weeding, and upkeep of burial ground.	2	0	0

Lower
Bogue.*Lower Bogue.*

357. For general repairs, weeding, and upkeep of roads.	6	0	0
358. For general repairs, weeding, and upkeep of burial ground.	4	0	0
359. To repair burial ground fence.	2	0	0
360. To fill in and otherwise improve the roads of the settlement.	20	0	0

Current Is-
land.*Current Island.*

361. For general repairs, weeding, and upkeep of roads.	3	0	0
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Spanish
Wells.*Spanish Wells.*

362. For general repairs, weeding, and upkeep of roads and streets. . . .	20	0	0
363. For general repairs, weeding and upkeep of burial grounds.	4	0	0

*Bluff.***Bluff.**

364. For general repairs, weeding, and upkeep of roads and streets . . .	20	0	0
365. For general repairs and upkeep burial grounds	4	0	0
366. To construct a cause- way on the main street	5	0	0
367. To improve the land- ing place	50	0	0
368. To improve the road leading to the landing place	25	0	0

*Current.***Current.**

369. For general repairs, weeding, and upkeep of roads and streets . .	7	0	0
370. To repair main street.	5	0	0
371. For general repairs, weeding and upkeep of burial grounds	2	0	0
372. To purchase piece of land and repair burial ground fence	20	0	0
373. Repairs to plank walk	2	0	0
374. To make a road be- tween Little Bay and Bar Bay	30	0	0

*Gregory Town.***Gregory
Town.**

375. For general repairs, weeding and upkeep of roads and streets . .	15	0	0
376. Repairs to road to Gregory Town Har- bour Light	5	0	0
377. For general repairs, weeding and upkeep of road leading from Gregory Town to Cot- ton Hole	20	0	0

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378. For general repairs, weeding and upkeep of burial ground.	2	0	0
379. Reshingling, colour washing and painting outside of goal.	12	0	0

**Hatchet
Bay.**

Hatchet Bay.

380. For general repairs, weeding and upkeep of roads.	5	0	0
381. For general repairs, weeding and upkeep of burial ground.	2	0	0
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Inagua.

INAGUA.

382. For general repairs, weeding and upkeep and scavenging of roads and streets in Matthew Town and suburbs including roads to Salt ponds. . . .	150	0	0
383. Making drains in Mat- thew Town.	100	0	0
384. For general repairs, weeding and upkeep of burial grounds.	8	0	0
385. Upkeep, repairs and renewals to public buildings etc. includ- ing Quarantine Sta- tion, Prison Hospital, Police Station and Po- lice office.	10	0	0
386. To provide a door and window shutters for the public library and repairing kitchen etc.	15	0	0

387. Enlarging tank at gaol and renewing guttering, repairing kitchen etc	35	0	0	
388. Repairing iron work of wharf and painting	25	0	0	
389. Plastering and painting outside walls, Library and Police Office, Police Station	42	0	0	
390. Keeping canal in working order	10	0	0	
391. Caretaker's pay Quarantine Station	10	0	0	
392. For enclosing cottage hospital premises	35	0	0	
393. To indemnify Board of Works for excess expenditure incurred in erection of Hospital ..	49	14	7	
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LONG CAY.

Long Cay.

394. For general repairs, weeding and upkeep of public roads, Long Cay	20	0	0
395. For general repairs, weeding and upkeep of public roads, Crooked Island	20	0	0
396. For general repairs, weeding and upkeep of public roads Acklin's Island	20	0	0
397. For general repairs, weeding and upkeep of public burial ground	2	0	0
398. To weed the road to Quarantine Station....	12	0	
399. To employ a caretaker for the Quarantine Station	2	8	0

400. To keep clean the road to Moss' well, and those of the upper landing and lower landing to South beach	9	0	0
401. To shingle the kitchen in Prison yard, and raise the floor of same	7	13	6
402. To improve the landing place at South beach, so as to render it more serviceable to the maritime public	36	0	0
403. To repair the main causeway across the Salt pond	58	10	0
404. To bridge the Canal on the road to the Quarantine Station	2	10	3
405. To repair certain portions of the public road in the settlement of Bird Rock, Crooked Island	1	13	0
406. To weed the new roads from Malcolm Creek to Bird Rock, and from the end of the French Wells' beach to Land-rail point, Crooked Island	14	0	0
407. To fill in the cavities, levelling and making safe a portion of the public road in the settlement of Spring point, Acklin's Island	30	0	0
408. To make a road connecting with the causeway at "Delectable" and leading to Cipher's point, Acklin's Island	30	0	0
409. To complete the new tank at the Quarantine Station	12	14	10

1908.

Appropriation Act, 1908.

CH. 2.

41

410. To commence repairs to the streets in Albert Town, Long Cay.....	100	0	0
411. For repairing and completing the Public Wharf.....	150	0	0
412. For erecting a Warehouse near or adjoining the Public Wharf. . .	60	0	0
413. To improve the Public Road from the Sound to Church Grove, Crooked Island.....	40	0	0
414. To improve causeway leading from No. 2 Hill to the Public Burial Ground, Crooked Island	20	0	0

LONG ISLAND.

937 1 7

Long Island

*Clarence Town.*Clarence
Town.

415. For general repairs, weeding, and upkeep of Public Streets	10	0	0
416. To continue construction of road to Gallo-way	80	0	0
417. Continue construction of Clarence Town roads	40	0	0
418. For general repairs, weeding and upkeep of road to South End..	12	0	0
419. For general repairs, weeding, and upkeep of road to Pinder's Gate.....	14	0	0
420. Construct road from Clarence Town to Deadman's Cay.....	250	0	0
421. For general repairs, weeding and upkeep of burial grounds.....	2	0	0
422. Cap gaol wall.....	20	0	0

423. Repair bridge across pond	27	0	0	
424. Repairs to Residency .	15	0	0	
425. To curb 3 public wells	7	0	0	
426. Make new floodgate for canal	4	0	0	
427. Erect and cap wall along Canal.....	10	0	0	
428. To complete bridge at Deadman's Cay	15	0	0	
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Simms.

Simms.

429. For general repairs, weeding, and upkeep of township roads	10	0	0	
430. To clear highway to Pinder's Gate.....	15	0	0	
431. To clear highway North to North End ..	15	0	0	
432. To repair road from "Simms" to "Deals"	25	0	0	
433. For general repairs, weeding and upkeep of Cross road at Wemyss	5	0	0	
434. To level road leading to Police Office	3	0	0	
435. To repair public road at Adderley's	25	0	0	
436. To repair bridge at Young's Creek.	5	0	0	
437. To weed prison yard and clean public well..	14	0		
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Ragged Island.

RAGGED ISLAND.

438. For general repairs, weeding and upkeep of roads and streets	50	0	0	
439. For general repairs, weeding and upkeep of burial grounds	1	0	0	

440. For general repairs, weeding and upkeep of office yard	1	0	0
441. To clean and deepen Channel at Bacchus Point, Ragged Island..	20	0	0
442. To repair a part of Duke Street and land- ing	15	0	0
443. To paint and white- wash Residency and out buildings	5	0	0
444. To paint and white- wash Residency fence and base wall	2	0	0
445. To keep drain across Taylor Street clean . .	12	0	
446. To complete tank in gaol yard	5	0	0

 99 12 0

RUM CAY.

Rum Cay.

447. For general repairs, weeding, and upkeep of Port Nelson streets.	15	0	0
448. For general repairs, weeding and upkeep of Port Boyd streets.	3	0	0
449. To macadamizing cer- tain streets, in Port Nelson Township.	30	0	0
450. For general repairs, weeding and upkeep of country roads.	30	0	0
451. To raise certain por- tions of the road from Port Boyd to Port Nel- son	30	0	0
452. For general repairs, weeding and upkeep of Port Nelson burial ground	1	16	0
453. For general repairs, weeding and upkeep of Port Boyd burial ground	1	12	0

454. To supply rope, blocks chair, etc., for derrick on wharf at Port Nel- son	5	10	0	
455. To fill in a small pond known as Sealy Pond in township of Port Nelson	10	0	0	
456. To purchase new pump and fittings for Residency tank	2	10	0	
457. To build an office in Residency Lot	50	0	0	
458. To paint the Residency inside and out.	30	0	0	
459. To enclose the Resi- dency grounds with a suitable fence	50	0	0	
460. To deepen the canal leading from the salt Pans	50	0	0	
	<hr/>			309 8 0

San Salva-
dor.

SAN SALVADOR.

Arthur's
Town.*Arthur's Town.*

461. For general repairs, weeding, and upkeep of roads in the district	20	0	0
462. To complete Fig St...	30	0	0
463. For general repairs, weeding, and upkeep of streets in Arthur's Town	10	0	0
464. For repair of roads in Bennett's Harbour, Dumfries, and Orange Creek	45	0	0
465. For repair of road be- tween Bennett's Har- bour and the Bluff.	30	0	0
466. For general repairs, weeding and upkeep of burial grounds .	8	0	0

467. To keep canals clean . .	1	0	0
468. To continue filling in Kelly's Pond	20	0	0
469. To clean public wells in the district	1	10	0
470. To clean well in prison yard and renew deck- ing of same	2	14	0
471. To begin construction of new road to connect the Bluff with the set- tlements of Gaiters, Industrious Hill, Ste- venson and The Cove	40	0	0
472. To extend the road from Orange Creek to Man of War Bluff . . .	50	0	0

The Bight.

258 4 0

The Bight.

473. For general repairs, weeding, and upkeep of roads	50	0	0
474. To continue repairs to road between Old Bight and Port Howe	50	0	0
475. To continue repairs to roads in Doud's Set- tlement	10	0	0
476. For general repairs, weeding, and upkeep of roads in settlement of Port Howe	20	0	0
477. Repairs to Road be- tween Devil's Point and Port Howe	50	0	0
478. Repair road between Doud's, The Village and the Bight	15	0	0
479. Repair road in settle- ment of Old Bight Church to Cheer road.	20	0	0
480. Repairs to road be- tween Free Town and Smith's Town	30	0	0

481. For general repairs, weeding and upkeep of burial grounds.....	17	0	0
482. Repairs to burial ground wall at The Bight.....	6	0	0
483. To finish capping burial ground wall at Port Howe.....	15	0	0
484. To enclose gaol with a stone wall.	50	0	0
485. To whitewash and re- pair the gaol	3	0	0
486. To put sashes to win- dows, colour wash, and paint, and general re- pairs to Police Office . .	15	0	0
487. To put two new doors to Prison Privy, and one to Kitchen, colour wash and fastenings for same	4	10	0
488. To make a well on the beach at Port Howe...	8	0	0
489. To enlarge and put a partition wall to pound at Port Howe	5	10	0
490. To add new room to Residency	60	0	0
491. To enclose Residency Yard with a stone wall on 3 sides and dwarf wall and fence in the front	20	0	0
492. To re-floor 2 bedrooms at residency and take down and replace par- tition	5	10	0
493. To fill in swamps in front of the Anglican Church	10	0	0

494. To renew gates and locks for the pounds and burial grounds at Smith's Bay and Knowles settlements..	3	4	0
495. To make a road from Bluff settlement to sea Beach	100	0	0
	<hr/>		
	567	14	0

WATLING'S ISLAND.

Watling's Island.

496. For general repairs weeding, and upkeep of Country Roads	40	0	0
497. For general repairs, weeding and upkeep of Cockburn Town Roads.....	15	0	0
498. To commence filling in road at United States from Light-house Road to road leading North to Reckley Hill.....	50	0	0
499. To fill up and level a deep hollow in Cockburn Town Street	25	0	0
500. To raise road leading to the lake	12	0	0
501. For general repairs, weeding, and upkeep of burial grounds	6	2	0
502. To plaster top of burial ground wall at Cockburn Town	16	0	0
503. Clearing drain and attending to floodgate ..	1	0	0
504. Weeding and cleaning office and prison yards.	2	0	0
505. To clean and repair six public wells.....	8	0	0
506. To continue to extend a bridge in vicinity of Long Bay.....	10	0	0

	507. To fill in and repair several old bridges in vicinity of Creek Settlement	30	0	0	
	508. To raise bridges between Cockburn Town and Victoria Hill (North).....	10	0	0	
	509. To repair and extend bridge at Sugarloaf..	10	0	0	
	510. To deepen drain at Cockburn Town.....	7	0	0	
	511. To paint flagpole and furnish topmast stays.	3	0	0	
	512. Table for Police office	16	0		
	513. One clock for Police Office.....	1	10	0	
		<hr/>			247 8 0
Trustees of the Green Turtle Cay Library.	<i>To the Trustees of the Green Turtle Cay Library.</i>				
	514. For the rental of a room and to pay the salary of the Librarian	25	0	0	
	515. To assist in the purchase of new books and pay subscriptions to Newspapers	20	0	0	
		<hr/>			45 0 0
Trustees of the Harbour Island Library.	<i>To the Trustees of the Harbour Island Library.</i>				
	516. To assist in purchasing books and periodicals	50	0	0	
		<hr/>			50 0 0
Trustees of the Governor's Harbour Library.	<i>To the Trustees of the Governor's Harbour Library.</i>				
	517. To pay the salary of the Librarian and to purchase new books and papers for the Haynes Library.....	50	0	0	
		<hr/>			50 0 0

<i>To the Trustees of the Inagua Library.</i>			Trustees of the Inagua Library.
518. To assist in purchasing books and periodicals.	50 0 0		
	-----	50 0 0	
<i>To the Trustees of the Tarpum Bay Library.</i>			Trustees of the Tarpum Bay Library.
519. To purchase books and other expenses	50 0 0		
	-----	50 0 0	
<i>To the Trustees of the Nassau Public Library and Reading Room.</i>			Trustees of the Nassau Public Library and Reading Room.
520. To enable them to purchase and replace books, bind magazines and other works and to meet the expenses of opening the Institution of an evening	150 0 0		
	-----	150 0 0	
<i>To His Honour the Chief Justice, and the Attorney General.</i>			Chief Justice and Attorney General.
521. To provide for the upkeep of the Law Library of the Colony . .	20 0 0		
522. For the preparation of Law Reports	10 0 0		
	-----	30 0 0	
<i>To the Vestry of St. Matthew's Church.</i>			St. Matthew's Vestry.
523. For the annual upkeep of the clock in the Church Tower	6 0 0		
	-----	6 0 0	
<i>To the Governor in Council.</i>			Governor in Council.
524. For travelling allowances and expenses. . .	500 0 0		

525. Cost of remittances...	200	0	0
526. To Treasury and Customs contingent expenses	150	0	0
527. Press and Government Cable Messages	150	0	0
528. Rental of Warehouses.	85	0	0
529. Salary of Meteorological Recorder	20	0	0
530. Supply of Meteorological Instruments	15	0	0
531. Extra boat allowance to Harbour Master...	15	0	0
532. Sundry boat and office allowance.....	62	8	0
533. Compilation of Blue Book	20	0	0
534. For the supply of Telephones for the Public Service	114	0	0
535. Clerical assistance to the Attorney General	72	0	0
536. Expenses consequent on transfer or absence on leave or duty of Out Island Magistrates or for payment of their substitutes	300	0	0
537. Salaries unprovided for to Magistrates in transit	50	0	0
538. Travelling expenses of Vaccinators	40	0	0
539. Wages of ferryman between Great and Little Exuma	12	0	0
540. House rent to Assistant Resident Justice, Grand Bahama	12	0	0
541. Additional grant for renewals, repairs, painting &c. of certain Out-island harbour lights..	29	10	0

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542. Contribution towards War Office pension of Sergeant Major of Constabulary	18	0	0
543. Messenger and General Assistant Receiver General's Department	48	0	0
544. Payment of substitutes of certain light keepers on leave.	37	10	0
525. Provide typewriters for Government Departments	100	0	0
546. Supply Resident Justices with suitable Law Books	10	0	0
547. Supply copying presses for Government Departments	12	0	0
548. To make road from Gregory Town to Hatchet Bay	300	0	0
549. To Mrs. Eva Ann Baptiste as a gratuity in recognition of the past services of her late husband James Baptiste	20	0	0
550. To Shadrach Wood, Police Constable, as a compassionate allowance	10	0	0
551. To Mrs. Dora Sturrupe—as a gratuity in recognition of the past services of her late husband Liberty Sturrupe.	18	0	0
552. To James McCraw Reeves - as a gratuity for past services as Registrar of Births and Deaths for the Parish of St. Anne's	10	0	0

553. Payment of Salary of Clerk to Board of Public Works for New Providence from 1st July 1907 to Sept. 30th 1907	10	0	0
554. Assisting discharged prisoners in deserving cases.	25	0	0
555. To amount over-expended on account of item No. 426 of the Appropriation Act 1906	65	19	8
556. To amount over expended on account of item No. 349 of the Appropriation Act 1906	28	10	0
557. Miscellaneous expenses not provided for by permanent laws..	300	0	0
558. Unforeseen and contingent services and excesses necessary to any item voted to the Out Island Boards of Works.....	100	0	0
	<hr/>		
		2959	17 8
		<hr/>	
		£33772	5 5
		<hr/>	

Works to be
reported
upon.

3. The works for which provision is made by items 495 and 548 shall not be commenced unless and until they have been reported upon favourably by a person approved of by the Governor in Council.

Public Print-
ing.

4. The Governor in Council may enter into a Contract or Contracts for a term not exceeding one year for the public printing of the Colony, and for the publication of Government Notices except so far as the same may be provided for by a Contract or Con-

tracts made jointly by the President of the Legislative Council and the Speaker of the House of Assembly. Provided that before any contract shall be entered into by the Governor in Council, tenders shall be called for and such Contract or Contracts shall be entered into with the person or persons whose tender or tenders for any one or more of the above description of printing shall appear most beneficial for the public service.

5. The Governor in Council may defray out of the Treasury by warrant in the usual manner the expenses incurred under section 3 of this Act, and also the expenses incurred in preparing Bills for the Session, preparing, examining, correcting, and revising the proofs of the Bills and laws of the Session for printing, printing in sheet and pamphlet form the laws of the Session and any re-prints of the laws of past Sessions, printing the Votes and Proceedings of the Legislative Council and the House of Assembly, and for all other work done or services performed by order of, or articles supplied for use of, either branch of the Legislature.

Preparing
Bills, cor-
recting
proofs of
Bills and
Laws, print-
ing, &c.

6. Notwithstanding anything in this Act hereinbefore contained it shall be lawful to pay out of the Treasury by Warrant in the usual manner any monies required for the satisfaction of charges and liabilities incurred during the year ending the 31st day of March 1909, and appropriated by this Act, which shall not already have been brought to account within that year and any payment so made shall be brought to account as if defrayed within that year ending the 31st day of March 1909.

Charges and
liabilities in-
curred dur-
ing the year
ending 31st
March 1909.

7. All unexpended grants or balances of grants of money made under the authority of this Act, except so far as the same shall be required for the completion of any works or services authorised by this Act shall be resumed as from the 31st day of March 1909.

Grants
resumed.

CHAPTER 3.

An Act to grant certain duties of customs revenue on goods, wares and merchandise imported into, and exported out of, the Colony.

[8th June 1908.]

Most Gracious Sovereign,

W E, Your Majesty's most dutiful and loyal subjects, the House of Assembly, of the Bahama Islands in General Assembly, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties of customs hereinafter mentioned ; and do therefore most humbly beseech Your Majesty that it may be enacted ; and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short title.

1. This Act may be cited as The Tariff Act 1908.

Duties of customs granted.

2. From and after the coming into operation of this Act there shall be charged, levied, collected and paid unto His Majesty The King, His Heirs and Successors, for the use and support of the Colony, the several duties of Customs respectively inserted, described, and set forth in the First and Second Schedules to this Act :

- (a) Upon goods, wares and merchandise imported into the Colony or taken out of Bond for consumption therein, the duties set forth in the First Schedule to this Act ;
- (b) Upon goods, wares and merchandise imported into the Colony or taken out of Bond for consumption therein and not enumerated in the First and Third Schedules to this Act, and not exempted from payment of duty by any Act, an *ad valorem* duty of twenty per centum ;

- (c) Upon goods, wares and merchandise exported out of the Colony, the duties set forth in the Second Schedule to this Act.

3. The goods, wares and merchandise enumerated, described or referred to in the Third Schedule to this Act shall and may be imported into the Colony free of duty. Free imports.

4. The goods, wares and merchandise enumerated, described or referred to in the Fourth Schedule to this Act shall not be imported into the Colony, and any such goods, wares and merchandise so imported shall thereupon and thereby become forfeited to the Sovereign and shall be destroyed or otherwise disposed of as the Governor in Council may direct; and any person knowingly importing any such prohibited goods, wares and merchandise, or knowingly causing or permitting them to be imported, or being a party to the importation thereof, shall, for each offence, incur a penalty not exceeding two hundred pounds. Prohibited imports.

5. Goods, wares and merchandise liable to *ad valorem* duty under this Act when not originally shipped with the intention of being brought into the Colony, but subsequently imported, and when the requisite information for perfect entry of the same cannot be ascertained or obtained, shall, in lieu of such duty, be charged a duty of thirty-three and one-third per centum on the value at the Port of Entry, or on the price which they shall realise at auction when sold and delivered for local consumption, at the option of the Treasurer. Duty on dutiable goods &c., not regularly imported.

6. Goods, wares and merchandise exempted from duty under this or any other Act, when brought into the Colony otherwise than by regular importation and sold at public auction, shall be charged a duty of five per centum on the price which they shall realise at such auction; and any person who shall so sell any such goods, wares and merchandise without having given bond, to the satisfaction of the Treasurer, for the payment of such duty, shall be liable to a penalty of double the amount of such duty. Duty on Duty free Goods not regularly imported.

Overpay-
ments of
duty may be
refunded.

7. Overpayments of duty, or duty paid in error, may be refunded from the Treasury on proof to the satisfaction of the Treasurer that the same have been overpaid, or paid in error, and subject to the following conditions, viz :

- (a) if claimed within six months the whole amount so overpaid or paid in error may be refunded ;
- (b) if claimed after six months one-half of the amount so overpaid or paid in error may be refunded, unless the Governor in Council shall see cause for approving a refund of the whole amount so overpaid or paid in error.

Ad valorem
duty for
bonding.

8. In addition to any duties imposed by this or any other Act there shall be charged, levied, collected and paid upon all goods, wares and merchandise entered to be bonded an *ad valorem* duty at the rate of one-half of one per centum.

Rebates

9. There shall be allowed and paid to any person who shall have paid duties of customs thereon a rebate of such duties of customs in the following cases :

Lumber for
fitting up
fruit vessels.

- (1). Upon all lumber used in the fitting-up of any vessel for the reception of native fruit to be exported from the Colony, provided that the person claiming such rebate shall produce to the Treasurer, or other proper officer, a declaration made before a Justice of the Peace by such person, showing the quantity of lumber actually used, and upon which such rebate is claimed ;

Goods &c.
for the use
His Majes-
ty's service.

- (2) Upon all goods, wares and merchandise or other articles or things supplied and delivered for the use of any department of His Majesty's service within the Colony, upon the person claiming the same producing to the Treasurer a certificate from the chief officer of the department to which the same shall have been supplied, that the goods,

wares and merchandise or other articles or things upon which such rebate is claimed, have been *bona fide* supplied and delivered for the use of the said department.

Provided however that in the case of goods, wares and merchandise or other articles or things upon which an *ad valorem* duty has been paid, such rebate shall be calculated on only one-half of the contract price for which such goods, wares and merchandise or other articles or things shall have been supplied and delivered as aforesaid ;

- (3) Upon all goods, wares and merchandise or other articles or things supplied and delivered for the use of the Governor or of the officer appointed Inspector of Lighthouses by the Board of Trade, upon the person claiming the same producing to the Treasurer a certificate that the goods, wares and merchandise or other articles or things upon which such rebate is claimed have been *bona fide* supplied and delivered for the use of the Governor or of the officer appointed Inspector of Lighthouses by the Board of Trade.

Goods &c
for use of
Governor
and Inspector
of Imperial Light-
houses.

Provided however, that in the case of goods, wares and merchandise or other articles or things upon which an *ad valorem* duty has been paid such rebate shall be calculated and allowed on only one-half of the contract price for which such goods, wares and merchandise or other articles or things shall have been supplied and delivered as aforesaid ;

- (4) Upon all kerosene oil upon which duty has been paid under this Act and which has been used as fuel in the working of an oil or gas engine, a drawback of such duties of customs to the extent of ninety per centum.

Kerosene oil
for fuel.

Provided that before any such drawback shall be paid, the person claiming the same shall produce to the Treasurer a declaration, made before a Justice of the Peace by such person, containing the following particulars : namely, the number of engines worked by him, the power thereof, the times when used and the quantities of oil actually consumed in the working thereof and upon which such drawback is claimed ;

Tobacco.

- (5) Upon all tobacco upon which duty has been paid under this Act, a drawback of such duties of customs of four pence half-penny for every one hundred cigars manufactured in the Colony out of such tobacco and exported out of the Colony :

Provided that no drawback shall be allowed unless security by bond, to the satisfaction of the chief officer of revenue at the port of exportation, shall have been given for the due exportation of such cigars, and that the same shall not be unshipped or relanded at any port or place within the Colony ;

Motor Cars.

- (6) Upon all motor cars upon which duty has been paid under this Act a drawback of such duties of customs to the extent of seventy-five per centum ;

Provided that no drawback shall be allowed unless security by bond to the satisfaction of the chief officer of revenue at the port of exportation, shall have been given for the due exportation of such motor cars within six months after their original importation and that the same shall not be unshipped or relanded at any port or place within the Colony.

Remission of duties of customs.

10. It shall be lawful for the Governor in Council to remit the amount of any duties of customs secured, or direct the repayment out of the Treasury of any such duties paid by any person, upon such person submitting to the Governor in Council satisfactory

proof that the goods, wares and merchandise upon which such duties have been secured or paid do not correspond with the order for the same forwarded by such person to his agent abroad, and that the said goods, wares and merchandise have been returned to the place from whence they were imported.

Provided however, that application for such remission or re-payment shall be made in writing to the chief officer of revenue at the port at which such goods, wares and merchandise have been entered, within six days after the entry for the same has been deposited with such chief officer of revenue.

11. If it appears that any goods, wares and merchandise are properly chargeable with a higher rate or amount of duty than that to which they would be subject according to the value thereof as stated in the invoice or entry, the Treasurer may detain such goods wares and merchandise.

Detention of undervalued goods and procedure consequent thereon.

12. In every such case, notice in writing shall forthwith be given to the importer of the goods, wares and merchandise of their detention and of the value thereof as estimated by the Treasurer, and he shall, within two clear working days after such detention, or within such reasonable period as may, with the consent of parties, be arranged, determine either to deliver such goods, wares and merchandise on payment of duty charged according to the invoice or entry of such importer, or to retain the same for the use of the Sovereign.

13. If the goods be retained for the use of the Sovereign the Treasurer shall cause the full amount stated in the invoice or entry as their real value, together with an additional sum equal to five per centum of such amount to be paid to the importer in full satisfaction for such goods, wares and merchandise, in the same manner as if they had been transferred by ordinary sale, and shall, after due notice in the Gazette, or some local newspaper, and without unnecessary delay, cause them to be put up to public auction for cash on delivery.

14. If the Treasurer deems the highest offer made at such sale to be inadequate, he may either adjourn the sale to some other day, to be notified as aforesaid, or buy in the goods, and without unnecessary delay dispose of them for the benefit of the Sovereign.

15. If the proceeds arising from such sale exceed the sum paid to the owner, together with the duty to which the goods are liable and all charges incurred by the Treasurer in connection with them, a portion not exceeding one-half of the overplus shall, at the discretion of the Governor in Council, be payable to the officer who detected the under-valuation of the goods, wares and merchandise.

16. Nothing in this Act shall prevent the Treasurer, when he has reason to believe that any such undervaluation was solely the result of accident or error, from permitting the importer of the goods, wares and merchandise, on his application for that purpose, to amend such entry, on payment of such increased rate of duty on the excess of the amended over the original valuation, or on such other terms as he may determine.

**Definition
Treasurer in
sections 11,
12, 13, 14, 15
& 16.**

17. For the purposes of sections 11, 12, 13, 14, 15 and 16 the word "Treasurer" shall, if entry be made at an Out Island, be taken to include the chief collector of revenue at such Out Island.

**Subsequent
sale of goods
imported
free.**

18. Any dutiable goods, wares and merchandise exempt from the payment of duty under this Act shall, in case of the sale or other disposition thereof for valuable consideration after importation, become liable to and be charged with the duties payable on the like goods, wares and merchandise on their importation for other purposes; and if such duties be not paid, such goods, wares and merchandise shall be forfeited and may be seized and dealt with accordingly.

**Penalty for
clandestine
sale of goods.**

19. If any dutiable goods, wares and merchandise exempt from duty under this Act shall be clandestinely sold, or otherwise disposed of, every person concerned in such clandestine sale, or disposal, shall forfeit and

pay treble the value of the goods, wares and merchandise so clandestinely sold, or disposed of, and all such goods, wares and merchandise, shall be liable to seizure and condemnation.

20. In the case of spirits or alcoholic liquors subject to duty according to their relative strength of proof, such strength shall be ascertained either by means of a hydrometer or of the specific gravity bottle, as the Governor in Council directs : and in case such relative strength cannot be correctly ascertained by the direct use of the hydrometer or gravity bottle, it may be ascertained by the distillation of a sample and the subsequent test in like manner of the distillate, and a certificate of the strength of any such distillate given by a person approved by the Governor in Council, shall be accepted as conclusive evidence of the strength of any such spirits or alcoholic liquor.

Determina-
tion of
strength of
spirits, &c.

21. There shall be allowed upon the gauge of all spirits and wines imported in wood upon their first importation into the Colony a deduction of ten per centum.

Deduction
on spirits
&c., import-
ed in wood.

22. (1) Whenever it is shown to the satisfaction of the Governor in Council that any Foreign power has accorded to the British Consular officers within its dominions the privilege of exemption from the payment of any duties upon official goods and supplies imported for the use of their Consulates, it shall be lawful for the Governor in Council, by Order in Council to declare and direct that all official goods and supplies imported into the Colony for the use of the Consulates within the Colony of any such Power, shall be exempted from the payment of any duties whatever on their importation.

Consular
supplies.

(2) Upon the issuing of such Order, such official goods and supplies shall be exempted from the payment of such duties.

23. All duties and penalties payable and recoverable under this Act may be sued for and recovered in the name of the Treasurer.

Recovery of
duties &c.

Procedure
on judgment
or conviction.

24. When any person is adjudged to pay any duty or penalty payable and recoverable under this Act, the Court shall state, in the order of conviction and also in the commitment of such a person, if committed in default of payment, the amount of costs awarded to be paid by such person, as well as the duty or penalty so adjudged, and shall commit such person until payment of such duty or penalty and costs.

Repeals.

25. The Acts enumerated in the Fifth Schedule to this Act are hereby repealed to the extent specified in the Third column of that Schedule.

Commence-
ment and
duration.

26. This Act shall continue in force for three years and from thence to the end of the next session of the Legislature.

SCHEDULES.

FIRST SCHEDULE.

DUTIES ON IMPORTS.

Alcohol, per gallon, proof strength	....	0	5	0
Ale, per gallon	....	0	1	0
Ammunition, ball, per 100	....	0	4	2
Apples, per barrel	....	0	2	6
Asses, each	....	0	10	0
Barley, per bushel	....	0	0	6
Beans, per bushel	....	0	0	6
Bicycles, each	....	0	5	0
Biscuit, common, per barrel	....	0	2	0
Biscuit, fancy, 25 per centum <i>ad valorem</i>	....		
Bran, per bushel	....	0	0	6
Brandy, per gallon, proof strength	....	0	10	0
Bread, common, per barrel	....	0	2	0
Bread, Fancy, 25 per centum <i>ad valorem</i>			
Cabbages, each	0	0	0½
Candles, tallow, per lb.	0	0	0¾

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Candles, other, per lb.	0	0	1½
Cane syrup, per gallon	0	0	3
Cattle, (cows, and oxen), each	1	0	0
Cheese, per lb	0	0	1½
Cider, per gallon..	0	1	0
Cigars, each	0	0	0½
Cigarettes, 40 per centum <i>ad valorem</i>			
Cocoa in bean, per lb.	0	0	0½
Coffee, raw, per lb.	0	0	1
Coffee, roasted or prepared, per lb.	0	0	1½
Colts	1	0	0
Corn per bushel	0	0	6
Corn Meal, per barrel	0	2	0
Cordials containing not more than 40 per centum of spirits twenty-five per centum <i>ad valorem</i> .			
Cottolene, per lb.	0	0	1
Cotton Duck for making sails, 10 per centum <i>ad valorem</i> .			
Dogs, each	0	2	6
Fillies, each	1	0	0
Fish, dried or salted, per lb.	0	0	0½
Flour, per barrel	0	3	6
Gin, per gallon, proof strength	0	5	0
Goats, each	0	4	0
Gunpowder, per lb.	0	0	3
Hay, per 100 lbs.	0	1	0
Horses, each	1	0	0
Hominy, per barrel	0	2	0
Lard, Lard substitutes, and Lard compound, per lb.	0	0	1
Liqueurs containing not more than 40 per centum of spirits twenty-five per centum <i>ad valorem</i> .			
Lumber, per 1000 feet	0	10	0
Mares, each	1	0	0
Meat, dried, salted, or cured per 100 lbs..	0	6	0
Molasses, per gallon	0	0	3
Motor cars, 10 per centum <i>ad valorem</i> ...			
Mules, each	0	10	0
Nails, iron of all kinds, per 100 lbs.	0	3	0
Oats, per bushel	0	0	6
Oils, Kerosene, per gallon	0	0	3
Oils : Olive, Sperm, Lard, per gallon	0	1	0
Oils, Essential, 20 per centum <i>ad valorem</i> .			

Oils : Linseed and other unenumerated,			
per gallon	0	0	9
Onions, per bbl.	0	4	0
Peas, per bushel	0	0	6
Pistols, each	1	0	0
Porter, per gallon.. . . .	0	1	0
Potatoes, per barrel	0	4	0
Revolvers, each	1	0	0
Rice, per 100 lbs	0	2	0
Rope, 10 per centum <i>ad valorem</i> .			
Rum, per gallon, proof strength	0	5	0
Sheep, each	0	4	0
Shingles, Cypress, 4 inches in width at			
butt per 1000	0	2	0
5 inches in width at			
butt per 1000	0	3	0
6 inches in width at			
butt per 1000	0	4	0
Shingles, not Cypress, per 1000	0	2	0
Soap, common washing, per lb.	0	0	0½
Stout, per gallon.. . . .	0	1	0
Sugar, white, per 100 lbs	0	6	0
Sugar, other than white, per 100 lbs.	0	3	0
Swine, each	0	4	0
Tea, per lb.	0	0	6
Tobacco, unmanufactured, per lb.	0	0	3
Tobacco, manufactured, other than fine			
cut, per lb.	0	0	6
Tobacco, manufactured, fine cut, 40 per			
centum <i>ad valorem</i> .			
Tricycles, each	0	5	0
Turpentine, per barrel	0	1	3
Turpentine, spirits, per gallon	0	0	3
Wheat, per bushel.	0	0	6
Whiskey, per gallon, proof strength	0	6	0
Whiskey, per dozen reputed quarts	0	12	0
Wines of all kinds, 25 per centum <i>ad</i>			
<i>valorem</i> .			

Any liquors imported under the name of Wine, Cordials or Liqueurs and containing more than forty per centum of spirit shall be rated for duty as unenumerated spirits,

per gallon 0 5 0

On each degree over the strength of proof all spirits shall pay an additional duty on every gallon of one half penny.

Articles not enumerated in this or the third Schedule, nor exempted from duty under any Act, twenty per centum *ad valorem*.

SECOND SCHEDULE.

DUTIES ON EXPORTS.

All wrecked goods one and one half per centum <i>ad valorem</i> .			
Any living slip, sucker, or top of a pineapple detached from the pineapple, or similar plant, each	0	0	1½
Cave and other earth per ton	0	10	6
Guano, per ton	0	10	0

THIRD SCHEDULE.

DUTY FREE IMPORTS.

Alcohol, denatured.

All articles imported or taken out of Bond for the use of :

- (1) the Governor of the Colony ;
- (2) the Imperial or Colonial Government ;
- (3) His Majesty's Army or Navy ;
- (4) the officer appointed Inspector of Lighthouses by the Board of Trade.

Any animal or thing imported into the Colony for some temporary purpose approved by the Governor in Council if satisfactory bond be given for the re-exportation thereof within thirty days and for the payment of a duty of one and one half per centum *ad valorem*.

Artists materials.

Axes,

Baggage, passengers.

Bank notes,

Barometers.

Barrels, if empty and for re-exportation.

Bees, and bees supplies.

Birds, living, of every description.

Boars.

Boats propelled by machinery, used exclusively as tenders for vessels in any port of the Colony.

Boilers.

Bolts of copper or composition.

Books, printed, but not books partly printed for manuscript additions.

Boxes, if empty and for re-exportation.

Botanical specimens.

Bottles, empty Glass.

Budding knives.

Bulbs, not edible.

Bullion.

Bulls.

Calves.

Cameras.

Capstans.

Cargo of vessel in distress if satisfactory bond be given for re-exportation and payment of export duty.

Cash Registers.

Caustic soda.

Cedar.

Ceiling Metal.

Cement.

Charts.

Coal.

Cocoanuts and cocoanut oil.

Compasses and cards, ship or marine.

Copper and composition old if unfit for use.

Copper in sheets.

Copper or composition bolts nails and tacks.

Cosmoline, crude.

Cotton, raw.

Cotton gins.

Cotton seed oil.

Crate ends and laths.
Cutlasses.
Diaries.
Divi-Divi.
Diving apparatus.
Dyewoods and stuffs.
Dynamite.
Electrical apparatus and appliances.
Engine packings.
Engines : steam, oil, gas or electric.
Engravings, unframed.
Ensigns, British.
Felting for vessels' bottoms.
Fencing wire.
Fibre machines.
Fertilizers.
Field glasses.
Fish, including shell fish fresh not preserved.
Fish ova.
Flax.
Foals.
Fresh meat.
Fruits tropical, fresh.
Game.
Garden hose and fittings.
Gas machines and engines.
Gas making machines.
Gasolene.
Glass bottles, empty.
Gramophones and records.
Hoes.
Hose, garden and fittings.
Ice.
Ice machines and all materials to be used in manufacturing ice.
Insecticide.
Iron, old, fit only to be re-manufactured.
Iron piles.
Iron rails spikes and parts for railways or tramways.
Knives, budding.
Lathes.
Lathes for crates.
Launches propelled by machinery, used exclusively as tenders for vessels in any port of the Colony.

Lignum-vitæ.

Machetes.

Machines, agricultural certified for farm use only.

„ Fibre.

„ for laundry purposes and accessories.

„ for making rope.

„ „ „ soda water.

„ for the manufacture of any native product.

„ for sawing, working and dressing lumber.

„ run by any power whatever.

„ sewing.

„ steam, oil, gas, electric, or heat.

„ steering.

„ all parts thereof if certified as imported for
the repair of an existing machine and
not for sale.

Mahogany.

Manures.

Maps.

Marine glasses.

Mattocks.

Meat, fresh.

Memorial windows.

Metalline ore.

Metal roofing, siding or ceiling.

Mills, agricultural or for use in Manufactories.

„ corn.

Mineralogical specimens.

Monumental tablets.

Musical instruments, and all parts thereof, attach-
ments and records other than toys.

Mineral soap stock.

Nails of copper or composition.

Nails for railways and tramways.

Naphtha.

Natural history specimens.

Oakum.

Oil engines.

Orange sizers.

Ova of fish.

Passengers baggage.

Packages, for the exportation of native produce.

Palm oil and palm oil soap stock.

Pamphlets.

Paper bags.

Paper, wrapping.
Petrol.
Petroleum, crude.
Pickaxes.
Phonographs and records.
Photographs and Photographic materials.
Pictures, unframed.
Pitch.
Piles, iron.
Plants.
Potash.
Poultry.
Presses, power.
Printed books, but not partly printed books for manuscript additions.
Printers' Type and material other than paper.
Pumps.
Pruning shears.
Rakes.
Railings for grave enclosures.
Rails for railways and tramways.
Rams.
Raw hides.
Rolling stock for railways and tramways.
Roofing metal.
Roots, not edible
Rope machinery.
Rosin.
Salt.
Saws, pruning.
Scientific instruments and apparatus (if passed by Governor in Council as imported for purposes of scientific research).
Scythes.
Seeds, not edible.
Sewing machines.
Shovels.
Shrubs.
Shears, pruning.
Siding metal.
Siphon bottles and siphons.
Sleepers for railways and tramways.
Soap stock.
Soda, caustic.
Spades.

Spars.
Specie.
Specimens of Botany, Mineralogy and Natural history.
Sponge.
Stallions.
Staves, heads and hoops for construction of barrels and other packages for packing.
Steam engines.
Steel rails for railways or tramways.
Steering machines.
Still.
Strings for musical instruments.
Surgical instruments and appliances and parts thereof.
Tacks of copper or composition.
Tanks, water.
Talc.
Talking machines and records.
Tallow.
Tar.
Telephones.
Telescopes.
Thermometers.
Tins, if empty and for re-exportation.
Tombstones.
Tortoise shell.
Tow.
Tropical fruits, fresh.
Trucks for railways and tramways
Trees.
Turtle, not preserved.
Type, Printers'.
Typewriters.
Union Jacks.
Vaseline, crude.
Water pipes and fittings.
Water tanks.
Watering pots.
Wax.
Wedges, for stone.
Wheelbarrows.
Wheeled invalid chairs.
Windlasses.
Windmill pumps.
Wirefencing.

Wool.

Wrapping paper.

Yellow metal in sheets.

FOURTH SCHEDULE.

GOODS PROHIBITED TO BE IMPORTED.

Books, printed paper, drawings, paintings, prints, photographs, or representations of any kind of a treasonable or seditious, or of an immoral or indecent character.

Coin, base or counterfeit.

Copyright works, unauthorized reprints of.

Dredges capable of being used for sporging.

Infected cattle, sheep, or other animals ; and hides, skins, horns and hoofs ; or anything which the Governor in Council may on sanitary grounds by Order in Council prohibit to be imported.

Meat, provisions, and vegetables, and any article intended for human food which is unfit for human consumption.

Oleomargine, butterine, or other similar substitute for butter—if invoiced or described or labelled as butter.

Tea, adulterated with spurious leaf, or with exhausted leaves, or containing so great an admixture of chemical or other deleterious substances as to make it unfit for use.

FIFTH SCHEDULE.

REPEALS.

Regnal Year and Chapter.	Short Title.	Extent of Repeal.
11 Vic. c. 6 36 Vic. c. 8	The Copyright Act 1848. The Revenue Consolidation Act 1873	The whole Act. Section 45 from and inclusive of the words "and as it is expedient to regulate" in line 12 to the end of the section. Section 60. Section 80 from and inclusive of the words "and as it is expedient to regulate" in line 12 to the end of the section. Section 81.
40 Vic. c. 7 43 Vic. c. 4 47 Vic. c. 12	The Export Duty Act 1877. The Revenue Act 1880. The Export Duty (Amendment) Act	The whole Act. Section 2. The whole Act.
52 Vic. c. 25	The Fibrous Plants Exportation Act 1889	" " "
56 Vic. c. 14	The Fibrous Plants (Amendment) Act 1893	" " "
56 Vic. c. 17 57 Vic. c. 8	The Import and Supplies Act 1893. The Revenue Consolidation (Amendment) Act 1894	" " "
58 Vic. c. 13 58 Vic. c. 23	The Tariff Act 1895. The Tariff Amendment Act 1895	" " "
59 Vic. c. 1	The Tariff Amendment Act 1896	" " "
62 Vic. c. 23	The Tariff Continuance (Amended) Act 1899	" " "
2 Ed. 7 c. 24 4 Ed. 7 c. 6	The Export Duty Act 1902. The Tariff Continuance Act 1904.	" " "
5 & 6 Ed. 7 c. 9	The Tariff Amendment Act 1906.	" " "

CHAPTER 4.**An Act to amend and consolidate the law
as to Marriage.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Marriage Act 1908. Short Title.

2. In this Act the expressions :— Definitions.

“Registrar-General,” “Registrar,” “Marriage Officer” mean respectively Registrar General of Marriages, Registrar of Marriages and Marriage Officer under this Act.

“General Register Office” means General Register Office for the keeping of Registers of Marriages solemnized in this Colony as appointed by this Act.

“Chief Justice” means the Chief Justice of the Supreme Court of the Colony.

“Magistrate” means in the case of the Out Islands a Resident Justice and in the case of the Island of New Providence a Stipendiary and Circuit Magistrate.

3. A marriage hereafter solemnized in the Colony otherwise than under the provisions of this Act shall have no legal effect.

Non-compliance with the Act prevents a marriage from having any legal effect.

Wilful non-compliance renders the marriage void.

4. If both the parties to a marriage knowingly and wilfully acquiesce in the solemnization of the marriage ceremony between them

- (a) by or before a person not being a Marriage Officer, or
- (b) otherwise than in the presence of two witnesses besides the Marriage Officer solemnizing or witnessing and registering the marriage

the marriage shall be void.

Effect of non-observance in other cases.

5. Except as aforesaid, and except as in section 31 of this Act provided with respect to marriages under that section, no marriage otherwise lawful which has been actually solemnized shall be declared void on the ground that any of the conditions by this Act directed to be observed have not been duly observed

Provided always that nothing in this section shall alter the effect of section 51 of this Act.

Appointment of officers for the purpose of ensuring the registration of marriages and their legality.

6. It shall be lawful for the Governor from time to time to appoint, and remove at pleasure officers to be called Registrars of Marriages, and also Marriage Officers who shall be such Ministers of Religion and other persons as may be entitled to appointment under the provisions of this Act as Marriage Officers.

Unless otherwise ordered by the Governor, Magistrates shall in their respective districts be *ex officio* Registrars of Marriage. Other persons appointed to be Registrars shall act in such district as the Governor may determine.

Appointments, removals and orders authorised by the Governor, or made under this Act, shall be notified in the Gazette and shall take effect from the date therein named.

The assent of Secretary of State necessary to debar a Minister from being a Marriage Officer.

7. Ministers of religious denominations whether acting for one congregation or having the local superintendence of several congregations, shall ordinarily be entitled, subject to the provisions of section 15 of this Act, to be appointed Marriage Officer for the congregation or congregations for which they are

so acting, but the Governor may refuse to appoint any such minister if he thinks him unfit :

Provided that in every case of refusal the Governor shall report the same to the Secretary of State for the Colonies, together with the reasons for such refusal.

8. A Registrar shall be *ex officio* a Marriage Officer for his district, subject to the provisions of sections 21 and 23 of this Act.

Registrar a Marriage Officer *ex officio*.

9. No minister of religion, who is a Marriage Officer shall be required to act as a Marriage Officer with respect to any marriage which is contrary to the rules of the religious denomination to which he belongs.

Safeguard for conscientious objections.

10. A Registrar other than a Magistrate shall before entering on the duties of his office give security for the due execution of his duties in such sum as the Governor may from time to time require.

Registrars to give security.

11. A Registrar shall, subject to the approval of the Governor, appoint by writing under his hand a fit person to act as his deputy in case of his illness or absence.

Power enabling Registrar to appoint a Deputy.

Such deputy shall hold office during the pleasure of the Registrar by whom he is appointed, and shall be removable from his office by the Governor.

Such deputy while so acting shall have all the powers and duties and be subject to all the penalties herein declared concerning Registrars.

A Registrar shall be civilly responsible for the acts and omissions of his deputy.

In the event of the incapacity or absence of any such deputy the Registrar-General shall, subject to the approval of the Governor, appoint a fit person to act as Registrar until the Registrar resumes the duties of his office, or until a new appointment to the office of Registrar is duly made.

In case a Registrar dies, or otherwise ceases to hold his office, his deputy shall act as Registrar in his place until the appointment of another Registrar is made and notified by the Governor.

Marriage
Officers at
liberty to
resign.

12. It shall be lawful for any Marriage Officer other than a Magistrate to resign his appointment as such. Any such resignation shall be notified in the Gazette, and shall take effect from the date of publication.

Marriage
Officers
cease to be
qualified
when ceas-
ing to act for
a congrega-
tion.

13. Every Marriage Officer who owes his appointment to the fact of his being a minister of religion acting for a congregation, shall, if he ceases to act or to have such superintendence, *ipso facto* vacate his appointment as Marriage Officer, and shall notify the Registrar-General that he has ceased to act or to have such superintendence as aforesaid; provided always that nothing in this section shall be regarded as applying to a Marriage Officer intending to be temporarily absent as mentioned in section 14 of this Act and who has duly notified to the Registrar-General his intention to temporarily cease to act for or have local superintendence over a congregation.

Except
when only
temporarily
absent.

14. Any Marriage Officer intending to temporarily cease from acting for a congregation or from having local superintendence of any one or more congregations shall notify the Registrar-General of such intention, and shall make such arrangement for the custody of all Marriage Register Books supplied to him as shall be satisfactory to the Registrar-General.

Any Marriage Officer ceasing to act for or have superintendence over a congregation without giving such notification, or without making proper arrangements to the satisfaction of the Registrar General for the safe custody of his Marriage Register Book as aforesaid, shall not ordinarily be entitled to re-appointment.

When any Marriage Officer shall desire to leave the Colony for a time, and shall make arrangements to leave the care of his Place of Worship and the conduct of the services therein to a Catechist, Lay

Reader, or other person not being a minister of religion, it shall be lawful for the Governor, on the recommendation of the Marriage Officer desiring to leave as aforesaid, to appoint such person to act as a Marriage Officer during the absence of the Marriage Officer in question, or until some other minister of religion shall have been appointed in his stead.

In such a case, such Marriage Officer as first mentioned shall hand over the Marriage Register Books supplied to him to the person appointed to act as a Marriage Officer during his absence, and the latter, on the return of the Marriage Officer first mentioned, or the arrival of some minister of religion to take his place, shall cease to be a Marriage Officer, and shall re-deliver the said Marriage Register Books, or other books supplied to him in lieu thereof, to the minister of religion for whom he has been acting or his successor.

Any person appointed to act as a Marriage Officer under the provisions of this section shall for the time during which he is appointed to act, have all the rights, powers, and be subject to all the obligations, of a Marriage Officer.

15. A. Nothing in this Act shall be construed as compelling any minister of religion to be a Marriage Officer.

Appoint-
ment of
Marriage
Officers.

B. Any minister of religion who desires to act as a Marriage Officer shall supply the Registrar-General with the following information :—

- (a) The name or other description of the place of worship with regard to the congregation attending which he acts as minister of religion and with respect to which he desires to act as Marriage Officer.
- (b) The name or other description of the place or places of public worship over the congregations of which he has local superintendence and with respect to which he desires to act as Marriage Officer.

C. Every Magistrate and Registrar shall keep affixed in a conspicuous place in his office a list of all Marriage Officers of the district. The list shall state the name and dwelling place of each officer, and the name or other description of the place or places of public worship in or for which they respectively so act.

D. No minister of religion who is not a Marriage Officer or expressly authorised by a Marriage Officer shall publish any banns of marriage.

E. (1) If from any cause a minister of religion is not desirous of acting as a Marriage Officer or is not desirous of acting as a Marriage Officer on the occasions referred to in the provisions to section 23 of this Act and with respect to the duties of registration subsequent to the solemnization of matrimony, it shall be lawful for the Governor on application from the head of any religious denomination nominating any person for appointment as Marriage Officer (with limitations) for any congregation attending any place of public worship, to appoint such person to be Marriage Officer at all marriages solemnized at any such place. Every such appointment shall be subject to bond given or other suitable arrangements being made for the correct discharge by such person of the duties imposed upon him as a consequence of his appointment.

(2) Every person appointed as aforesaid shall have all the powers and shall be subject to all the duties conferred or imposed by this Act on Marriage Officers except such powers and duties as are incident to the publication of banns and the issuing of a certificate of the kind referred to in section 16 of this Act; provided always that nothing herein contained shall be deemed to constitute any such person as a Marriage Officer within the meaning of section 14 of this Act.

(3) Ministers of religion who desire to be appointed as Marriage Officers subject to the exception hereinafter mentioned may be appointed as Marriage Officers for all purposes connected with the issue of a Marriage Officer's certificate such as is referred to in

section 16 of this Act and all matters and duties and powers anterior or incidental to such issue. Every minister appointed with the limitations aforesaid shall for all purposes be deemed to be a Marriage Officer within the meaning of this Act with respect to the matters, duties and powers aforesaid.

F. Every person appointed as Marriage Officer or as Marriage Officer subject to the limitations aforesaid, shall notify the Registrar-General of his address and of every change therein. If any Marriage Officer does not notify his address as aforesaid the Governor may cancel his appointment.

16. Marriage may be solemnized under the authority
- (a) Of Registrar's certificate or Registrar's certificates.
 - (b) Of Marriage Officer's certificate or Marriage Officer's certificates.
 - (c) Of license from the Governor or other duly authorised person.
 - (d) Without any such authority or certificates in the cases specially provided for in section 31 of this Act.

Methods
of solemniz-
ing mar-
riage

17. In every case of persons residing in the Colony intending that a marriage shall be solemnized between them under the authority of a Registrar's certificate of notice, each of such persons shall on or about the same date give notice (making the declaration therein contained) of the intended Marriage to the Registrar in whose district he or she has respectively resided for a period of not less than fifteen clear days before the giving of such notice, in the form as nearly as may be set forth in Schedule A to this Act.

Procedure
by Regis-
trar's certi-
ficate.

Provided that when both of such persons reside within the same district a single notice shall suffice.

Provided also that where one of the persons intending marriage is not residing in the Colony a single notice by the other person shall suffice.

On the receipt of a notice of an intended marriage the Registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in a book to be called "The Marriage Notice Book," and shall on the same day put up, in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended Marriage in the form as nearly as may be set forth in Schedule B to this Act, and shall keep the same so put up for seven consecutive days thereafter.

The Marriage Notice Book shall be open at all reasonable times to any person desiring to inspect it.

The Registrar having complied with the requirements of this Act shall, on the expiration of seven clear days after the receipt of the notice of an intended marriage, in the event of no objection to the Marriage being in force as hereinafter mentioned, grant upon request to the person who gave the notice or to any person authorised by the person who gave the notice, a certificate of the due publication thereof, in this Act referred to as the Registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C to this Act, and shall therein set forth whether any objection has been offered to such intended Marriage.

Procedure
by Marriage
Officer's cer-
tificate.

18. In every case of persons residing in the Colony intending that a marriage shall be solemnized between them under the authority of a marriage Officer's certificate or certificate of banns, each of such persons shall on or about the same date give notice in writing (making the declaration therein contained) in the form as nearly as may be set forth in Schedule D to this Act, to the Minister (being a Marriage Officer) of a congregation to which he or she belongs or is considered to be attached, or if not belonging or not considered to be attached to any congregation then to any Minister being a Marriage Officer of the district in which he or she resides: Provided that when both of such persons belong to the same congregation a single notice shall suffice: Provided also

that when one of the persons intending marriage is not residing in the Colony a single notice by the other person shall suffice.

On receipt of a notice of an intended marriage as aforesaid, the Minister (being a Marriage Officer) being satisfied as to the compliance with the requirements aforesaid, (and subject to the proviso aforesaid) shall within four days enter the particulars set forth in the notice and also the date when such notice shall have been received by him in a book to be kept by him entitled the "Marriage Banns Book" and shall also enter the said particulars and date on paper, and shall post the latter on a notice board to be kept affixed on the outside of the principal door of the place of worship in which he ministers (and in the event of his ministering in more than one place, preferably on the outside of that at which he may have published the banns); and thereafter when such notice shall have been kept affixed as aforesaid for a period extending over three Sundays, shall, subject to the provisions of this section, give the certificate of due publication of banns hereinafter mentioned.

On the receipt of a notice of an intended marriage the Minister (being a Marriage Officer) being satisfied that the notice is conformable to the requirements of this Act, shall also (subject to his right of refusal under section 9 of this Act) by himself, or some other person by him duly authorised, publish the banns of marriage between the parties named therein conformably to the notice in the place of public worship in which he ministers.

The qualification shall be made in an audible manner some time during public Divine service on a Sunday, or in the case of persons professing the Jewish religion on a Saturday, in the face of the congregation, and shall be in the words as nearly as may be in Schedule E to this Act, and shall be made for three Sundays or Saturdays as above provided preceeding the solemnization of the marriage, during the morning or evening service.

The Minister (being a Marriage Officer) having complied with the requirements of this Act shall, after the publication is complete, in the event of no objection to the marriage being in force as hereinafter mentioned, grant upon request to the person who gave the notice, or to any person authorised by the person who gave the notice, a certificate of the due publication of banns, in this Act referred to as the Marriage Officer's certificate, as nearly as may be in one of the forms set forth in Schedule F to this Act, and shall therein set forth whether any objection has been offered to such intended marriage.

Procedure
by special
license.

19. In any case of persons residing in the Colony intending that a marriage shall be solemnized between them, the Governor may, on application by or on behalf of either of the parties, if he thinks fit, upon proof being made to his satisfaction that there is no impediment of kindred or alliance or other lawful hindrance to the intended marriage, and where consent is required that the consent of the persons authorised to give such consent has been obtained, grant a special license for such marriage, as nearly as may be in the form set forth in Schedule G (No. 1) to this Act.

For the purpose of such proof, the Governor may prescribe any form of declaration that he thinks fit to be made before any persons that he may appoint, and declarations so prescribed shall be deemed to be declarations required by law for the purpose of a marriage.

Applications for special licenses to and the issue of such licenses by the Governor shall unless and until otherwise provided by regulations made under the Act, be made through the office of the Registrar-General.

Procedure
when the
consent of a
parent or a
guardian is
required.

20. Persons who have reached the age of twenty-one years and widowers and widows may marry without the consent of others.

Where a person under twenty-one years of age not being a widower or widow intends to marry, the

father, or if the father is dead the lawful guardian or guardians, or if there is no such guardian, the mother of such person shall have authority to consent to the marriage of such person, and such consent is hereby required unless there is no person authorised to give it resident in the Colony.

If the parent or guardian whose consent is necessary is *non compos mentis*, or unreasonably withholds consent to the marriage of any person, either party to the intended marriage may refer the matter to the Chief Justice who shall decide upon the same in a summary way, and if the proposed marriage appears upon examination to be proper the Chief Justice shall certify the same, and his certificate shall be as good and effectual as if the necessary consent had been given.

Where either of the parties to a marriage is under twenty-one years of age not being a widower or widow, and is married under this Act without the consent of the person having authority to consent, it shall be lawful for the Supreme Court, on an information by the Attorney General, to declare a forfeiture of all interests in any property acquired by such marriage by the other party thereto, and to secure the same for the benefit of the party so under twenty-one years of age, and of the issue of the marriage.

21. Any person may notify his objection to an intended marriage by giving notice of objection to the Registrar or Marriage Officer publishing the notice of banns.

Procedure to be followed if a marriage is open to objection.

A Registrar or Marriage Officer shall disregard all objections to an intended marriage not appearing on the face of the notice, unless—

- (a) They are stated prior to the issuing of the certificate of publication,
- (b) They are stated in writing by the person making the same,

- (c) The person making the same appears personally to lodge the same with the Registrar or Marriage Officer, and in his presence makes and subscribes a declaration as nearly as may be in the form set forth in Schedule H to this Act, which the Registrar or Marriage Officer shall endorse on the written statement of objections.

With regard to objections timely and duly made as above provided, the following provisions shall apply :—

- (a) Where the objection does not set forth a legal impediment to a marriage between the parties intending to solemnize marriages or a refusal of consent on the part of any person whose consent is required to such marriage, the Registrar or Marriage Officer shall suspend the issue of his certificate pending decision upon the objection and make such inquiry thereabout as he sees fit, and himself decide thereupon.
- (b) Where the objection sets forth any legal impediment to a marriage between the parties, or any refusal of consent on the part of any person whose consent is required to such marriage, the Registrar or Marriage Officer shall refer the matter to the Chief Justice (who shall decide upon the same in as summary a way and as expeditiously as the circumstances of the case will permit) and shall suspend the issue of his certificate until he receives a certified copy of the Chief Justice's decision to the effect that the parties are not in respect of the said objection disqualified from contracting such Marriage, or where the objection is in the nature of a refusal of consent that such refusal is unreasonable and ought not to interfere with such marriage.

If it appears to the Chief Justice that the objection in case of an objection to a marriage, was frivolous and vexatious, he may condemn the party making

it to pay, in addition to costs and all civil damages to which he may be liable, a fine not exceeding twenty pounds, to be enforced in the same way as a Judgment of the Supreme Court.

22. Whenever a marriage does not take place within three months of the date of the Registrar's certificate, or a Marriage Officer's certificate, or a license granted under section 19 hereof, the certificate or license as the case may be shall be void, and no person shall proceed to solemnize the marriage until new notice has been given and certificate issued or a new license has been granted.

Certificates and Licenses do not operate after three months from the date of issue.

23. After the issue of a Registrar's certificate or Registrar's certificates, or a Marriage Officer's certificate or Marriage Officer's certificates, or a Registrar's certificate in the case of one of the parties and of a Marriage Officer's certificate in the case of the other party, or a license granted under section 19 hereof, the marriage may be solemnized between the parties described in the certificate or licenses according to such form and ceremony as the parties may see fit to adopt.

Declarations must be by the parties that there is no lawful impediment to their marriage in order that the latter may become binding in law.

Provided that every such marriage shall be solemnized in the presence of a Marriage Officer and of two credible witnesses between the hours of six a. m. and 8 p. m. with open doors :

Provided also that the certificate or certificates, or if the marriage is by license the license shall be first delivered to the Marriage Officer by or before whom the marriage is solemnized :

Provided also that in some part of the ceremony or immediately before or after the ceremony, and in the presence of such Marriage Officer and witnesses, each of the parties shall declare :

I do solemnly declare that I know not of any lawful impediment why I, A. B. may not be joined in matrimony to C. D.

and each of the parties shall say to the other :

I call upon these persons here present to witness
that I, A. B. do take (or have now taken) C. D.
to be my lawful wife (or husband) :

Provided also that there be no lawful impediment
to the marriage of such parties.

Marriage
may be con-
tracted
before a
Registrar.

24. If the parties so desire they may, after certificate or license duly granted, contract and solemnize marriage at any place and in the presence of a Registrar and in the presence of two witnesses, with open doors, and between the hours of six a. m. and eight p. m., making the declaration and using the form of words provided in section 23 of this Act ; but in such case no religious service shall be used.

Marriages
contracted
before a
Registrar
may be sub-
sequently
solemnized
in church.

25. If the parties to a marriage contracted before the Registrar or a Marriage Officer desire that there shall be separately performed any religious service of marriage between them, they may present themselves to any acknowledged Minister of Religion, and such Minister upon the production of the certificate of marriage of the parties before the Registrar of a Marriage Officer may, if he thinks fit, perform such religious service.

Nothing in the reading or celebration of such service shall supersede or invalidate any marriage previously contracted before the Marriage Officer, nor shall such ceremony be registered as a marriage.

Marriage
Officers to
obtain the
particulars
required for
Registration.

26. The Marriage Officer by or before whom a marriage is solemnized shall ask the parties to be married the particulars required to be registered touching the marriage.

Registration of marriages in the Marriage Officer's Marriage Register Book.

27. Immediately after the solemnization of a marriage the Marriage Officer before whom it is solemnized shall register it in duplicate, that is to say, firstly in a book to be kept by him for that purpose, called the Marriage Register, and, secondly on a separate form, such registration shall be in the form

given in Schedule K to this Act, and shall be signed by the parties married, by two witnesses and by the Marriage Officer.

28. After such registration of a marriage as aforesaid, the Marriage Officer shall transmit the duplicate register to the Registrar-General and shall without payment of any fee, deliver to each of the parties married a copy of the original register of the marriage certified under his hand to be a true copy.

Transmission of duplicate register to the Registrar General

29. The duplicate register transmitted by the Marriage Officer to the Registrar General shall be filed and safely preserved by him in the General Register Office, and shall be copied into a book to be kept by him in the General Register Office, to be called the "General Register Book."

Registrar-General to keep a General Register of all marriages.

30. Where a marriage is solemnized under the provisions of this Act which without fault of the parties thereto has been omitted to be registered, or has been erroneously or imperfectly registered, or where the Register of a Marriage has been lost or destroyed it shall be lawful for either of the parties, or in case of his or her death the issue or other lawful representative of such party, having first given notice of his or her intention by two publications in the Gazette, to apply to the Chief Justice in Chambers for an order to have such marriage correctly registered.

Correction of omissions and material errors in Registers.

The Chief Justice shall require notice of such application to be given to such persons as he thinks expedient.

If the Chief Justice is satisfied after hearing such evidence as may be adduced that such marriage has been proved he shall make an order to that effect, and shall certify the same to the Registrar General, who shall thereupon cause the marriage to be specially registered, in accordance with the terms of the order, in a book to be kept for the purpose in the General Register Office, with a note of such order and the date thereof.

Recognition of Marriages *in articulo mortis* does not have any legal retrospective effect and does not annul an existing will.

31. It shall be lawful for a Marriage Officer to solemnize a marriage without any certificate of notice or banns in the following special case, that is to say, where the marriage is between two persons who have lived in unlawful connection and one of whom is *in articulo mortis*.

No such marriage shall be solemnized unless both parties are able to signify their consent thereto in presence of two witnesses.

No such marriage shall be solemnized where either of the parties is under twenty-one years of age not being a widower or widow, unless the person whose consent is required is present and gives his or her consent verbally.

A marriage solemnized shall be specially registered.

The Register shall contain the particulars and be in the form indicated in Schedule L to this Act.

No marriage solemnized under the provisions of this section shall be valid unless the foregoing conditions are observed.

No marriage solemnized under the provisions of this section shall operate as a revocation of any will.

Departmental Regulations may be made by the Registrar-General.

32. The Registrar-General may from time to time make, and when made revoke, add to and alter, rules for the carrying out of the registration provisions of this Act, and for the direction of officers connected with registration in the performance of duties under this Act. Such rules shall be subject to the approval of the Governor in Council, who may allow, disallow, alter and add to, such rules or any of them.

General Register Office.

33. The Registrar of Records Office shall be the General Register Office for keeping a Register of all marriages solemnized in the Colony.

34. There shall be provided a seal or stamp of the General Register Office, with which all certified copies issuing out of the Office as in this Act provided shall be sealed or stamped.

Copies of certificates to be sealed.

35. There shall be supplied to the proper Officers all books, registers, forms, and other materials required for the execution of this Act.

Forms, books, &c., to be supplied to officers.

All books so supplied to be kept for entries shall be of durable materials, and shall have the pages and places for entry respectively numbered progressively.

Forms of notice of marriage shall be supplied by the Registrar-General to the several Registrars and Marriage Officers, who shall account for all forms so issued to them.

36. The Registrar of Records shall be *ex officio* the Registrar-General of Marriages.

The Registrar of Records to be the Registrar-General.

37. The Registrar-General of Marriages shall superintend, control and direct, all officers entrusted with registration duties under this Act, and shall make all necessary provision for the execution of this Act.

The Registrar-General entrusted with the supervision and control of marriage registration. Custody of Registers.

38. The Registrar-General shall have the custody, and shall be responsible for the safe keeping

Of all registers of marriage and documents relating thereto that may be in his custody at the time of the commencement of this Act, and of any ancient register of marriages which previous to such commencement may have been kept in any place of worship and which the owner may be willing to give up.

Of all such other registers of marriage as may be committed to his keeping or be deposited in the General Register Office under the provisions of this Act.

39. The Registrar-General shall cause to be made and kept in the General Register Office an index

Index Registers.

of the General Marriage Register Book, and of all duplicate registers of marriage filed in the Office.

Right to
search
Register.

40. The Registrar General shall allow all persons within hours to be prescribed by rules, to search the index and the General Marriage Register Book in the General Register Office.

Issues of
copies of
certificates.

41. The Registrar-General shall give a copy certified under his hand, of any duplicate register on the file, and of any entry in the General Marriage Register Book in the General Register Office, to any person requiring it.

Marriage
Officers to
be under
obligation to
register
marriages.

42. Except in the case of exemptions referred to in section 15 E of this Act all Marriage Officers shall be Registrars of Marriage for the purpose of registering marriages solemnized or witnessed by them under this Act.

Registration
work by
Marriage
Officers.

43. (1) Every Marriage Officer as a Registrar of Marriages

- (a) Shall keep safely the Marriage Register Book supplied to him for the purposes of this Act until every place of entry therein is filled, or until he ceases to be a Marriage Officer, and shall then return it (unless entrusted with it under any regulation passed under this Act) to the Registrar-General.
- (b) Shall give a copy, certified under his hand of any entry in every Marriage Register Book in his keeping to any person requiring it.
- (c) Shall keep in the prescribed manner all other Marriage Register Books which may be entrusted to him under any regulations passed under this Act.

(2) A Marriage Officer who is a Minister of Religion may act as a Marriage Officer in any part of the Colony.

44. Every Registrar

- (a) Shall keep safely in his office every Marriage Register Book kept by himself.
- (b) Shall allow all persons within reasonable hours to be prescribed by rules under this Act to search the Marriage Register Book in his keeping.
- (c) Shall give a copy, certified under his hand, of any entry in the Marriage Register Book in his keeping, to any person requiring it.
- (d) Shall make such periodical returns to the Registrar General relating to the duties performed by him in relation to this Act as may be required by rules made under this Act.
- (e) Shall perform such other duties in relation to the execution of this Act as may be assigned to him by rules to be made under this Act.

Obligation of Registrars and of Marriage Officers in their capacity as Registrars.

45. The expenses of carrying this Act into execution shall, where not otherwise provided for, be payable out of the Treasury by warrant in the usual manner.

Provision for expenses.

46. Every original register in a marriage register and every copy certified under the hand of the officer for the time being having the lawful custody of the original to be a true copy thereof and every duplicate register and every record of registers kept in the General Register office and every copy thereof or of any entry therein certified under the hand of the Registrar General to be a true copy, shall be respectively good evidence of the facts which shall have been therein set forth in pursuance of the provisions of this Act in all proceedings and before all Courts.

Evidence by means of certified copies and duplicates.

All certified copies aforesaid and all declarations made pursuant to the provisions of this Act shall be exempt from stamp duty.

Penalty for non-compliance with the provisions of this Act.

47. Every officer under this Act who makes default in strictly complying with the provisions thereof, whether by omission or commission, shall be guilty of an offence and shall be liable on summary conviction to a penalty of twenty pounds.

This section shall extend to and include persons who have ceased to hold office under this Act, in relation to any offence as aforesaid of which they may have been guilty while holding or on ceasing to hold such office.

No person shall be prosecuted under this section without the written permission of the Attorney General.

Injury, &c., of a Register to be a crime.

48. Whoever intentionally and unlawfully falsifies, destroys, injures, removes or conceals, any public Register of Marriages, with intent to defeat, or obstruct or pervert the course of justice, or to defraud or injure any person, shall be liable to imprisonment for seven years.

Injury, &c., of a certificate to be a crime.

49. Every Marriage Officer who unlawfully and intentionally destroys, injures, falsifies, or conceals any notice or certificate which is in his possession, custody or control, or to which he has access by virtue of his office, shall be liable to imprisonment for two years.

Presumption in favour of Marriages when solemnized under this Act.

50. After the solemnization of any marriage under or by virtue of this Act, it shall not be necessary in support of the marriage, or in any action or proceeding where the same may come into question, to give any proof of the actual dwelling of the parties married, or of either of them, before the marriage or that the banns were published, or that the marriage was solemnized in the place, and by a person where and by whom the same ought to have been published and solemnized respectively.

Marriage impossible within the prohibited degrees.

51. If any persons knowingly and wilfully intermarry after the commencement of this Act without authority as detailed in section 16, or, if the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the Law of the Colony, the marriage shall be null and void.

52. It shall be lawful for the Governor in Council to make regulations for carrying into effect this Act and in particular for all or any of the following purposes :—

Regulations
to further
the object
of this Act.

- (a) To regulate and to restrict the issue of special licenses authorised to be issued under section 19 of this Act and to ensure the registration of marriages so licensed.
- (b) To fix and enforce payment of fees to be paid for performing any act under this Act.
- (c) To regulate and prescribe any duty to be performed under this Act.
- (d) Prescribing the conditions under which Marriage Officers may retain possession of Marriage Register Books which have been completely filled in.
- (e) The occasions on which documents or statements are to be supported or vouched for by declarations.
- (f) To regulate the rectification of errors in Marriage Registers.

Provided always that the Schedules to this Act unless and until altered by any such regulation, and all directions therein contained and specified or there-to appended shall be of the same force and effect as if the same were enacted in the body of this Act.

53. (1) No alteration in any Register of Mar- Alterations.
riages shall be made except as authorized by this Act.

(2) Any clerical error which may from time to time be discovered in any such Register, may be corrected by the Registrar General or any person authorized in that behalf by him, subject to any regulations passed under this Act.

(3) Any error of fact or substance in any such Register may be corrected by the Registrar General upon production to him by either of the parties to the

marriage, or in the case of his or her death, by the issue or other lawful representative of such party, of a declaration setting forth the nature of the error and the true facts of the case.

Repeals. 54. The Acts specified in Schedule M to this Act are hereby repealed from and after the commencement of this Act :

Provided that in cases where banns of marriage have been partly or completely published, or a license to marry has been issued, before the commencement of this Act, the marriages to which such banns or license relate may be solemnized and registered in accordance with the provisions of such repealed Acts or under the authority of such license, in the same way as if this Act had not passed :

Provided that no such marriage shall be solemnized after the expiration of twenty-eight days after the commencement of this Act.

55. This Act shall not come into operation unless and until the Officer Administering the government notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and upon such notification so much of this Act as relates to the appointment of officers, and the provision of books and registration materials and the expenses thereof, and the making and approving of rules for the execution of the Act shall come into operation immediately, and the rest of the Act on a day to be notified by the officer administering the Government by Proclamation, and hereinbefore referred to as the commencement of this Act.

SCHEDULES.

SCHEDULE A.

FORM No. 1, (applicable to the case of parties residing in different districts, or giving separate notices.)

NOTICE OF MARRIAGE.

To the Registrar of the district of

I, (*here insert the name of the person giving notice*) give you notice that a marriage is intended to be had between me and the other party herein named and described (that is to say),

Name and Surname.	Condition.	Calling.	Age.	District and Dwelling Place.	Length of Residence.

And I give this notice with the assent of the other party herein named and described.

And I solemnly declare that I have for fifteen days immediately preceding the date of this notice had my usual place of abode within the above mentioned district, and that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

[To form part of the declaration when the party is under 21 years of age and is not a widower or widow.]

And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely :—[here state names and authority of all whose consent is necessary.]

In witness whereof I have hereunto set and subscribed my hand this

day of

19

(Signature)

Subscribed and declared by the above named, in the presence of us the undersigned, householders in the above mentioned district, who declare that we believe the statements contained in this notice to be true.

A.B. (*Name and designation*) witness.

C.D. (*Name and designation*) witness.

FORM NO. 2, (applicable to the case of parties residing in the same district and giving a single notice.)

NOTICE OF MARRIAGE.

To the Registrar of the district of

We (*here insert the names of the persons giving notice*) give you notice that a marriage is intended to be had between us, the parties herein named and described (that is to say),

Name and Surname.	Condition.	Calling.	Age.	District and Dwelling Place.	Length of Residence.

And we solemnly declare that we have for fifteen days immediately preceding the date of this notice had our usual place of abode and residence within the above mentioned district of , and that we believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

[To form part of the declaration when the parties are under 21 years of age and are not a widow or a widower respectively.]

And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely :- [here state names and authority of all whose consent is necessary.]

In witness whereof we have hereunto set and subscribed our hands this day of

19 .

(Signatures.)

Subscribed and declared by the above-named in the presence of the undersigned, householders in the above-mentioned district, who declare that we believe the statements contained in this notice to be true.

A.B. (*Name and Designation*) witness.

C.D. (*Name and Designation*) witness.

SCHEDULE B.

Registrar's Office, District of .

PUBLIC NOTICE.

Notice has this day been received at this Office, of marriage as intended to be solemnized between the following persons, that is to say,—

Name and Surname.	Condition.	Calling.	Place of Residence.

All objections to a certificate being granted authorizing the celebration of this marriage must be lodged with the Registrar in writing within seven days from this date by the objector, who must appear personally to declare to the truth thereof.

(Signed)

M. N.,

Registrar of the District of

Date of Notice.

SCHEDULE C.

REGISTRAR'S CERTIFICATE.

This certificate remains in force for three months only from its date (section 20 of the Marriage Act 1908.)

FORM No. 1, (applicable to the case of parties residing in different districts.)

I, [M.N.] Registrar for the District of
hereby certify that on the day of
19 A.B. [here give name, surname, condition,
calling, and place of residence of A.B.] duly gave
notice to me of his [or her] intended marriage to
C.D. [here give name, surname, condition, etc., of
C.D.] and that all the requirements of the Marriage
Act in respect of such notice as far as the said A.B. is
concerned have been complied with, and no objections
stated (or written objections lodged with me, as the
case may be.)

Certified by me the said M.N. this day of
19 .

(Signed)

M.N.,

Registrar of the District of

FORM No. 2 (applicable to the case of parties residing in the same district.)

REGISTRAR'S CERTIFICATE.

I, [M.N.] Registrar for the District of
hereby certify that on the day of
19 , A.B. [here give name, surname, condition,
calling, and place of residence of A.B.] and on the
day of 19 , C.D. [here give name,
surname, condition, calling, and place of residence of
C.D.] duly gave notice to me of their intended marriage,
and that all the requirements of the Marriage Act in respect of such notices have been complied

with, and no objections stated (or written objections lodged with me, as the case may be).

(Signed) M. N.,
Registrar of the District of

SCHEDULE D.

FORM No. 1, (applicable to the case of parties belonging to different congregations, or giving separate notices.)

NOTICE FOR BANNS.

To Minister of Church
(or Chapel) in the District of and a Marriage Officer of the said District.

I, (here insert the name of the person giving notice) being a member of the congregation of the said Church (or Chapel) give you notice that a marriage is intended between me and the other party herein named and described, and that I desire you to publish the banns of such marriage on three Sundays beginning with Sunday the day of next.

Name and Surname.	Condition.	Calling.	Age.	District and Dwelling Place.

And I give this notice with the assent of the other party herein named and described.

And I solemnly declare that I believe there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

[To form part of the declaration when the party is under 21 years of age and is not a widower or widow].

And I solemnly declare that I have the consent of all whose consent is necessary for my marriage, namely: - [here state names and authority of all whose consent is necessary].

In witness whereof I have hereunto set and subscribed my hand this day of
19 .

(*Signature.*)

Subscribed and declared by the above-named in the presence of us the undersigned, householders in the above-mentioned District, who declare that we believe the statements contained in this notice to be true.

A. B. (*Name and designation*) witness.

C. D. (*Name and designation*) witness.

FORM NO. 2, (applicable to the case of parties belonging to the same congregation and giving a single notice.)

NOTICE FOR BANNS.

To Minister of Church
Chapel) in the District or and a Mar-
riage Officer of the said District.

We (here insert the names of the persons giving notice), being members of the congregation of the said Church (or Chapel) give you notice that a marriage is intended between us, the parties herein named and described, and that we desire you to publish the banns of such marriage in your Church (or Chapel) on three Sundays beginning with Sunday the
day of next.

Name and Surname.	Condition.	Calling.	Age.	District and Dwelling Place.

And we solemnly declare that we believe there is no impediment of kindred, alliance or other lawful hindrance to the said marriage.

[To form part of the declaration when the parties or one of the parties is or are under 21 years of age and is not or are not a widow or widower respectively.]

And we solemnly declare that we each have the consent of all whose consent is necessary for our marriage, namely :—[here state names and authority of all whose consent is necessary].

In witness whereof we have hereunto set and subscribed our hands this day of

19 .

Signatures,

Subscribed and declared by the above-named in the presence of us the undersigned, householders in the above-mentioned District, who declare that we believe the statements contained in this notice to be true.

A. B. (*Name and designation*) witness.

C. D. (*Name and designation*) witness.

SCHEDULE E.

FORM OF WORDS TO BE USED IN THE PUBLICATION OF BANNS.

I publish the banns of marriage between A.B. of (here state the District as stated in the notice) and C.D. of (here state the District as stated in the notice).

If any of you know cause or just impediment why these two persons should not be joined together in holy matrimony ye are to declare it.

This is the first (or second or third, as the case may be,) time of asking.

SCHEDULE F.

MARRIAGE OFFICER'S CERTIFICATE.

This certificate remains in force for three months only from its date (section 22 of the Marriage Act, 1908.)

FORM No. 1, (applicable to the case of parties belonging to different congregations)

I, Minister of Church (or Chapel) in the District of and a Marriage Officer for the said District hereby certify that on the day of 19 , A.B. (here give name, surname, condition, calling and place of residence of A.B.) duly gave notice to me of his (or her) desire to have the banns of his (or her) intended marriage with C.D. (here give name, surname, condition, calling, and place of residence of C.D.) published in my said Church (or Chapel), and that all the requirements of the Act in respect of such notice and publication so far as the said A.B. is concerned have been complied with, and no objections stated (or written objections lodged with me, as the case may be).

Certified by me the said this day of 19 . (Signed) P.Q.,

Minister of Church (or Chapel) in the District of and a Marriage Officer of the said District.

FORM No 2 (applicable to the case of parties belonging to the same congregation.)

MARRIAGE OFFICER'S CERTIFICATE.

I, Minister of Church (or Chapel) in the District of and a Marriage Officer for the said District hereby certify that on the day of 19 , A. B. [here give name, surname, condition, calling and place of residence of A.B.] and on the day of 19 , C. D. [here give name, surname, condition,

calling and place or residence of C.D.] duly gave notice to me of their desire to have the banns of a marriage intended between them published in said Church (or Chapel), and that all the requirements of the Act in respect of such notices and publication have been complied with, and no objections stated (or written objections lodged with me, as the case may be).

Certified by me the said this
day of 19 .

(Signed)

Minister of Church (or Chapel) in the
District of and a Marriage Officer
of the said District.

SCHEDULE G.

(No. 1.)

This License remains in force for three months only from its date (section 22 of the Marriage Act 1908.)

To any Marriage Officer of the Colony.

These are to License and Permit you to solemnize a marriage between A.B. [here give name, surname, condition, calling, and Place of residence of A.B.] and C.D. [here give name, surname, condition, calling and place of residence of C.D.] according to the provisions of the Marriage Act 1908, you knowing no lawful impediment to the contrary.

Given under my hand at this
day of 19

Passed the Registrar General's Office,

(Signed)

This License will be void if the marriage is not solemnized within three months from the date hereof.

(No. 2.)

To any Marriage Officer of this Colony.

This License remains in force for three months only
from its date (section 22 of the Marriage Act 1908)

Whereas I, the undersigned, having been
authorised as appears in Gazette dated
day of 19 , to issue Special Licenses
under section of the Marriage Act 1908, these are
to License and Permit you to solemnize a marriage be-
tween A.B. [here give name, surname, condition,
calling, and place of residence of A.B.] and C. D.
[here give name, surname, condition, calling and
place of residence of C. D.] according to the provi-
sions of the Marriage Act 1908, you knowing no
lawful cause or impediment to the contrary.

Given under my hand at this
day of 19 .

(Signed)

This License will be void if the marriage is not
solemnized within three months from the date hereof.

SCHEDULE H.

I hereby solemnly declare that the facts as stated
by me in the written statement of objections to the
Marriage intended between A. B. and C.D. on which
this declaration is endorsed are true to the best of my
knowledge and belief.

(Signed) P.Q., Objector.

I certify that this declaration was made before
me and subscribed in my presence this

(Signed) M.N.,
Registrar, [cr

Minister of Church (or Chapel) and a
Marriage Officer, as the case may be] of
the District of

SCHEDULE K. --(1.)

MARRIAGE REGISTER.

No.	When Married.	Name and Surname.	Condition.	Calling.	Age.	District and Residence at the time of Marriage.	Father's Name and Surname.
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Married at _____ by (or before) me _____ a Marriage Officer of
 the District of _____
 This marriage was celebrated between us _____ In the presence of us _____
 This _____ day of _____ 19 ____

(2.)

MARRIAGE DUPLICATE REGISTER.

No.	When Married.	Name and Surname.	Condition.	Calling.	Age.	District and Residence at the time of Marriage.	Father's Name and Surname.
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Married at _____ by (or before) me _____ a Marriage Officer of
 the District of _____
 This marriage was celebrated between us _____ In the presence of us _____
 This _____ day of _____ 19 ____

SCHEDULE L.—(1.)

MARRIAGE REGISTER (MARRIAGE IN ARTICULO MORTIS.)

No.	When Married	Name and Surname.	Condi- tion.	Call- ing.	Age.	District and Residence at the time of Marriage.	Father's Name and Surname.

Married at _____ by (or before) me _____ a Marriage Officer of
the District of _____
This marriage was cele- } In the presence {
brated between us { of us {
This _____ day of _____ 19 _____.

I hereby certify that immediately before the solemnization of
this marriage the said _____ solemnly declared to
me, in the presence of the witnesses who have above attested this
marriage, that he (or she) believed himself (or herself) to be at the
point of death.

Marriage Officer of the District of _____
This _____ day of _____ 19 _____.

(L.—2.)

MARRIAGE (DUPLICATE) REGISTER (MARRIAGE IN
ARTICULO MORTIS.)

No.	When Married	Name and Surname.	Condi- tion.	Call- ing.	Age.	District and Residence at the time of Marriage.	Father's Name and Surname.

1908.

Marriage Act, 1908.

CH. 4.

107.

Married at _____ by (or before) me _____ a Marriage Officer of
the District of _____

This marriage was cele- } In the presence }
brated between us } of us }

I hereby certify that immediately before the solemnization of
this marriage the said _____ solemnly declared to
me, in the presence of the witnesses who have above attested this
marriage that he (or she) believed himself (or herself) to be at the
point of death.

Marriage Officer of the District of _____

This _____ day of _____ 19 _____

SCHEDULE M.

Act.	Title.	Extent of Repeal.
2 Vic. cap. 13.	The Marriage Act 1839.	Sections 1 to 7 " 9 to 12 " 15 to 19
5 Vic. cap. 9.	The Marriage (Amendment) Act 1842.	The whole Act.
25 Vic. cap. 15.	The Registrar of Records Act 1892.	In section 22 strike out "Marriage Registers."
7 Vic. cap. 20.	The Marriage (Amendment) Act 1874.	The whole Act.
38 Vic. cap. 3.	The Marriage (Amendment) Act 1875.	The whole Act.
39 Vic. cap. 8.	The Registrar of Records (Amendment) Act 1876.	In section 1 strike out the words "and Marri- ages" after the words "For copies of Regis- ters of Births, Deaths," The words "On every Marriage License".
59 Vic. cap. 10.	The Marriage Law Amend- ment Act 1896.	The whole Act.

CHAPTER 5.

**An Act to amend the Magistrates Act 1896
by extending the Civil and Criminal
Jurisdiction of Magistrates.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short title. 1. This Act may be cited as the Magistrates Amendment Act 1908 and with the Magistrates Act 1896 (hereinafter called the principal Act) and the Acts amending the same, may be cited together as The Magistrates Acts 1896 to 1908.

CIVIL.

Definition. 2. In reading hereafter the Supreme Court Act 1896 and The Magistrates Acts 1896 to 1908, the expression "Small Cause" shall have the meaning hereby assigned to it:

"Small Cause" means any action suit or proceeding where the amount sought to be recovered, or the value of the property in dispute, or the rent in arrear is of the amount of Twenty-five pounds or under, other than an action suit or proceeding in which the title to land is involved.

Amends sections 133 and 137 and repeals section 134 of principal Act. 3. Section 133 of the principal Act is amended by substituting "£25" for "£10" wherever "£10" appears therein ; and section 137 is amended by substituting "£5" for "40s." therein ; and section 134 is repealed and the following section is substituted for it :

CXXXIV. In any small cause the defendant may plead and prove a set off, or may counterclaim against the Plaintiff, provided that the amount claimed whether by set off or counterclaim does not exceed £25.

CRIMINAL.

4. Section 42 of the principal Act is amended by substituting the words "other than homicide" for the words "set forth in the first column of the first Schedule of this Act" in the second line of such section; provided that if any child or young person is charged with one of the offences set out in section 5 of this Act the Magistrate may, under the circumstances in such section referred to, try such case summarily without obtaining the consent of such parent or guardian or of such young person as in sections 41 and 42 of the principal Act provided for.

Amends section 42.

5. Where any person is charged with any of the following offences :—

Offences triable summarily where amount or value does not exceed £5.

Simple Larceny,

Offences declared by any Act for the time being in force to be punishable as simple larceny,

Larceny from or stealing from the person,

Larceny as a clerk or servant,

Embezzlement by a clerk or servant,

The obtaining by false pretences with intent to cheat or defraud of money or personal property,

Receiving money or personal property stolen or obtained by false pretences with intent to cheat or defraud, or stolen from the person or by a clerk or servant or embezzled, knowing the same to have been so stolen, obtained or embezzled,

Aiding and abetting, counselling or procuring the commission of, or attempting to commit any of the offences above enumerated,

it shall be lawful for a Magistrate to hear and determine such charge in a summary way : provided that such Magistrate is satisfied that the amount or value of the whole of the property alleged to have been stolen, embezzled, obtained by false pretences, received, destroyed or otherwise dealt with does not exceed Five Pounds and is also satisfied that having regard to all the circumstances the case is one which may be properly dealt with and adequately punished under the Magistrates Acts 1896 to 1908.

Magistrate not to deal summarily with person liable to be tried at the Sessions by reason of a previous conviction.

6. Where a person is charged with an indictable offence with which a Magistrate may have power under this Act to deal summarily, the Magistrate shall not deal with the same summarily whenever it is shown to the Magistrate that by reason of a previous conviction the person so charged is liable to be tried on Information at the Sessions.

Magistrate may deal with unlawful wounding &c. summarily.

7. Where any person is charged with unlawfully and maliciously wounding, or inflicting any grievous bodily harm upon any other person, either with or without any weapon or instrument, or with assault occasioning actual bodily harm, it shall be lawful for a Magistrate to hear and determine such charge in a summary way : provided that the Magistrate is satisfied that the case is one which may be properly dealt with and adequately punished under the Magistrates Acts 1896 to 1908.

8. Section 96 of the Principal Act is repealed and the following section is substituted for it :

A child may not be imprisoned longer than one month or fined more than five pounds.

XCVI. A child on summary conviction for an offence punishable on summary conviction under this Act, or under any other Act, whether past or future, shall not be imprisoned for a longer period than one month nor fined a larger sum than Five Pounds.

9. The Acts set forth in the Schedule to this Repeals.
Act are repealed to the extent therein mentioned.

SCHEDULE.

ACT.	SHORT TITLE.	EXTENT OF REPEAL.
28 Vic., cap. 37.	The Larceny Act 1865.	Section 98.
59 Vic., cap. 27.	The Magistrates Act 1896.	Sections 44, 45 and 46.
	"	Section 215 (v.), the words "either as to the plea of guilty of an adult or"; and "and in the case of any other person, of the consent of such person to be tried by a Magistrate."
	"	Schedule 1.
	"	The proviso to section 91.

CHAPTER 6.

An Act to regulate the administration of the
Out Islands, and for the appointment
of Cadets.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

CH. 6. *Out Islands Administration 7 & 8 EDW. 7
Act, 1908.*

Short title. 1. This Act may be cited as The Out Islands Administration Act 1908.

INTERPRETATION.

Interpretation. 2. In this Act unless the context otherwise requires :—

“Commissioner” means a Commissioner appointed under this Act.

“District” means a District constituted under this Act.

“Division” means a division specified in the First Schedule.

“Schedule” means a schedule to this Act.

DIVISION OF THE OUT ISLANDS INTO DISTRICTS.

Division of
Out Islands
into Dis-
tricts.

3. (1) For administrative, judicial and for such other purposes as may be necessary for the performance of the duties imposed and the exercise of the powers and authorities conferred by this Act upon the Officers appointed under this Act, the Colony, exclusive of the Island of New Providence, shall from time to time be divided into Districts by the Governor in Council by Order in Council and until such division shall take place and in so far as such division does not take place shall continue to be divided into the districts existing at the coming into operation of this Act, and such Districts shall be deemed to be Districts constituted under this Act.

(2) The Governor in Council by Order in Council may from time to time determine the area, extent, boundaries, and official designation of any District constituted under sub-section one of this section.

Orders in
Council sub-
ject to ap-
proval of
Legislature.

(3) Every Order in Council made under the authority of either of the foregoing sub-sections shall be laid upon the table of both Houses of the Legislature within Fourteen days after the date of such Order,

or if the Legislature is not then in Session, within Fourteen days after the first meeting thereof after the making of such Order :

(4) If either House pass a Resolution condemnatory of the division made by an Order in Council such Order shall be deemed to be revoked.

Revocation
of Orders in
Council.

CHARGE OF DISTRICTS.

4. Each District shall be placed in charge of a Commissioner who may be assisted by Cadets as the Governor in Council may from time to time determine.

Districts to
be in charge
of Commis-
sioners as-
sisted by
Cadets.

COMMISSIONERS AND CADETS.

5. Commissioners and Cadets not exceeding the number set forth in the First Schedule may be appointed by the Governor and shall hold office during pleasure and shall as from time to time by the Governor assigned to one of the Divisions set out in the First Schedule receive the annual salaries attached to such Division : Provided that any officer falling within the provisions of section 9 of this Act shall, if not assigned to any Division or until so assigned, receive in addition to the fees specified in section 8 sub-section (2) of this Act an annual salary equal to the average amount received by him for the years 1905, 1906 and 1907, in respect of salary and fees and other remuneration received by him under any Act or by custom but not including the fees specified in section 8 sub-section (2) of this Act. Provided that a person referred to in section 9 of this Act shall not be assigned to a Division without his express consent.

Appoint-
ments of
Commission-
ers and
Cadets.

6. All appointments and promotions under this Act shall be made by the Governor, but no person shall be eligible for appointment or promotion to the first Division unless he has served for a period of at least five years in the permanent public service of the Colony. And the Governor in Council by Order in Council may place any Commissioner and the District of which he is in charge under the administrative control of any other Commissioner who is in a higher Division.

Appoint-
ments and
Promotions.

CH. 6. *Out Islands Administration* 7 & 8 EDW. 7.
Act, 1908.

Office Rent.

7. Each Commissioner when not otherwise provided for shall be allowed a reasonable sum per annum for the purpose of providing a suitable office for the holding of Courts and for the transaction of public business.

Salaries.

8. (1) Subject to the first proviso contained in section 5 of this Act the salaries provided by this Act shall, in addition to the fees specified in sub-section (2) of this section, be the only remuneration Commissioners shall be entitled to receive except when with the consent of the Governor in Council a Fourth Division Commissioner shall combine the office of Schoolmaster with that of Commissioner; and all other fees and remuneration of whatsoever nature payable to or receivable by Commissioners under or by virtue of any Act or by custom in respect of any duties or services performed by him exclusive of any salary as Schoolmaster, shall be paid into the Treasury on account of the general revenue of the Colony, but the total salary of a person holding the combined offices of a Fourth Division Commissioner and Schoolmaster shall not exceed the salary of a Third Division Commissioner.

Fees.

(2) Commissioners shall be entitled to retain for their own use any fees received by them in respect of any services :

- (a) as Vaccinating Officers.
- (b) as Collectors of Revenue in respect of extra hours.
- (c) in taking acknowledgments of deeds and renunciations of dower.
- (d) in swearing affidavits and taking declarations of a non-official character.

Transfer of
present off-
cers.

9. The persons at the coming into operation of this Act holding the substantive appointments of Resident Justices and Assistant Resident Justices in the Out Islands shall be deemed to be appointed as

the first Commissioners under this Act and shall be subject to all the provisions of this Act ; and the services of such Commissioners shall be deemed as in continuation of their services as Resident Justices and Assistant Resident Justices for the purposes of any law relating to pensions or leave of absence or sick leave.

10. The expression "Resident Justice" when used in any past or present Act shall be read "Commissioner" and all duties powers and authorities imposed or conferred on a Resident Justice by any such Act shall be deemed to be imposed and conferred on a Commissioner : and every Commissioner shall perform and exercise all such duties powers and authorities as prior to the coming into operation of this Act have been usually performed and exercised by a Resident Justice, save so far as the same may from time to time be affected by Orders, Rules or Regulations made under this Act, and the expression "District" in any past present or future Act or Imperial Statute used in reference to the Out Islands shall mean a District constituted under this Act.

"Resident Justice" to be read "Commissioner."

Powers and duties of Commissioners.

11. Every Commissioner shall be *ex officio* :

- (a) Collector of Revenue for every Port of Entry, and a Preventive Officer for every other Port, within his District ;
- (b) Warehouse Keeper for every warehousing Port within his District ;

Commissioners to be *ex officio* : Collectors of Revenue and Preventive Officers ;

Warehouse keepers &c.

and generally shall execute all other *ex officio* offices by any past present or future Act to be executed by a Resident Justice or salaried magistrate or Commissioner : Provided that nothing herein contained shall prevent the Governor from appointing a separate officer to discharge any of the duties herein referred to.

12. (1) Commissioners shall perform and render all such duties and services as may from time to time be appointed by the Governor in Council and by the same authority may from time to time be transferred from one District to another District.

Duties and transfer of Commissioners.

(2) A Commissioner shall not remain in any District for a longer period than three years : Provided that such period may be extended for three months by the Governor in Council should such extension be deemed necessary.

Entrance
and Retir-
ing ages.

13. No person shall be a Commissioner who has not attained the age of 21 years and no person shall be appointed a Cadet who has not attained the age of 18 years, and every Commissioner attaining the age of 60 years shall be under obligation of retiring from the Public Service of the Colony if required to do so by the Governor in Council and when so required shall vacate his appointment. No Cadet shall, without the consent of the Governor in Council, hold office as a Cadet for more than six years from the date of his appointment.

Term of
Cadetship.

Duties of
Cadets.

14. Cadets shall perform and render all such duties and services in any part of the Colony as may from time to time be appointed by the Governor in Council.

Appoint-
ment of
Cadets not
pensionable.
Proviso.

15. The appointment of Cadets shall not be pensionable : Provided that if a Cadet be appointed a Commissioner or otherwise placed on the permanent public establishment of the Colony his period of service as a Cadet shall be counted towards his pension.

Salaries.

16. All salaries and allowances authorized by this Act shall be payable out of the Treasury by warrant in the usual manner.

Orders Rules
and Regula-
tions.

17. The Governor in Council may make Orders Rules and Regulations and prescribe such forms as may be necessary for carrying out the provisions of this Act.

Repeals.

18. The Acts set out in the Second Schedule are repealed to the extent mentioned in the third column thereof.

Commence-
ment.

19. This Act shall not come into operation until the Governor notifies by Proclamation in the Gazette that it is His Majesty's pleasure not to disallow the same and

thereafter it shall come into operation upon such day as the Governor shall notify by the said Proclamation or by any other notice.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Division.	No of Commissioners.	No. of Cadets.	Salaries.
First	Five	Three	£250
Second	Five		200
Third	Five		150
Fourth	Six		125
Cadets			60

SECOND SCHEDULE.

ACT.	SHORT TITLE.	EXTENT OF REPEAL.
52 Vic. cap. 27.	The Public Establishments Act 1889.	Sections 12 to 19 inclusive, Schedule A so far as it relates to Out Islands.
56 Vic. cap. 6.	The Public Establishments (Amendment) Act 1892.	The whole Act.
61 Vic. cap. 16.	The Public Establishments (Amendment) Act 1898.	
2 E.L. 7, cap. 16.	The Public Establishments further (Amendment) Act 1902.	" " "
		" " "

CHAPTER 7.**An Act to consolidate and amend the law relating to Primary Education.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

PART I.**PRELIMINARY.**

- | | |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title. | 1. This Act may be cited as The Education Act 1908. |
| | 2. In this Act :— |
| Interpretation. | <p>“The Board” means the Board of Education established under this Act.</p> <p>“School” means a school for primary instruction either entirely maintained by the Board or in receipt of a Grant in aid from the Board under the provisions of this Act.</p> |

PART II.**BOARD OF EDUCATION.**

- | | |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Establishment of Board of Education. | <p>3.—(1) There shall be established a Board of Education for the Colony.</p> <p>(2) The Board shall be a body corporate by the name of “The Board of Education,” having a perpetual succession and a common seal, with power to purchase or otherwise acquire lands as may be required for educational purposes and to sell exchange</p> |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

or otherwise deal with lands that may have been acquired for educational purposes and may sue and be sued in the name of the Board.

4. The Board shall consist of twelve members. Eight of such members shall be appointed from among the members of the Legislative Council and the House of Assembly and of such eight members five at least shall be members of the House of Assembly. The members shall be annually appointed by the Governor and each member shall continue to be a member of the Board for a period of one year from the date of his appointment.

Constitution
of Board.

5.—(1) One of the members of the Board to be from time to time nominated by the Governor shall be the Chairman of the Board. The Chairman shall preside at all meetings of the Board and shall have a casting vote.

Chairman.

(2) If there be no such Chairman, or if at any meeting he is not present within a reasonable time after the time appointed for holding the meeting, the members present shall choose some one of their number to be chairman.

6. A quorum of the Board shall consist of five members or as may from time to time be fixed by any Rule under this Act.

Quorum.

7. Any member of the Board leaving the Colony shall inform the Chairman of the time he is likely to be absent.

Absence.

8. Any member of the Board may resign his seat by letter addressed to the Chairman.

Resigna-
tion.

9. The monies at the disposal of the Board shall be kept in account with a Bank in the Colony to be approved by the Governor and all cheques shall be signed by the Secretary to the Board and countersigned by the Chairman.

Banking ac-
count.

10. The proceedings of the Board shall be open to public inspection in such way as the Board may regulate.

Proceedings
of the
Board.

Annual report.

11. The Board shall annually in the month of January submit to the Governor in Council a report upon the progress and condition of public primary education during the previous year, and such report shall be laid before the Legislature as soon as practicable thereafter.

Duties of the Board.

12. The Board shall have the superintendence, direction and control of all matters relating to Public Elementary Education in the Colony and shall, so far as the monies from time to time at its disposal admit, provide free of charge primary instruction and school accommodation for all children in the Colony between the age of six and fourteen years and upwards and shall have power and authority to entirely maintain elementary schools or to make grants in aid thereto.

Local committees.

13. The Board may organize Local School Committees in any district where a school may be established, such Local Committee to consist of not more than five members the majority of whom shall be appointed annually by the Governor, and the minority of whom shall be elected by the parents or guardians of the children attending the school in such district.

Property vesting in the Board.

14. There shall be vested in the Board all lands, buildings, monies, books, stores, furniture, materials and all other property which at the passing of this Act by the authority of the Education (Amendment) Act 1888 or by any other authority are vested in, or held in trust for, or used or occupied by the Board of Education or any past or present member thereof for the purposes of popular education in the Colony.

Annual grant to the Board.

15. There shall be allowed and paid annually to the Board for the purposes of this Act, exclusive of the salaries of the Officers of the Board, out of the Treasury by warrant in the usual manner the sum specified in the Second Schedule to this Act.

16. — (1) The officers of the Board shall consist of :

(a) An Inspector and General Superintendent of Schools.

who shall be appointed by the Governor, and

(b) A Secreatry, and

(c) A Constable,

who shall be appointed by the Governor on the recommendation of the Board.

(2) The Officers of the Board shall be entitled to the salaries set opposite to such offices in the First Schedule to this Act.

17. The Board may from time to time, as to it shall seem proper, determine the duties to be performed by the officers of the Board. Board may define duties.

18. The Inspector and General Superintendent of Schools in addition to his salary shall be entitled to receive a travelling allowance to enable him to visit the schools in the Colony and the amount of such allowance shall from time to time be fixed by the Board. Travelling allowance.

19. The persons now holding the offices of Inspector and General Superintendent of Schools, Secretary and Constable to the Board of Education appointed under the authority of the Education Acts 1886 to 1907 shall continue to hold their respective offices and to perform their respective duties and to receive the salaries payable under this Act subject to the control of the Board and of the Governor as heretofore. Present Officers of Board to continue to hold office.

20. No officer of the Board or Teacher shall be eligible to serve as a member of the Legislative Council or the House of Assembly. Officers not eligible for election to Legislature.

21. The persons for the time being holding the appointment of Inspector and General Superintendent of Schools or Secretary to the Board or Teachers to the Boys Central School in the Island of New Providence shall not hold any other office of profit or emolument. Certain officers not to hold other appointments.

Constable.

22. In order effectually to carry out the provisions of this Act relating to the compulsory attendance of children at school, the Constable shall be subject to the same discipline and control as that under which the Police Force is established, but who shall be specially set apart by the Inspector of Police to perform such duties, and no other, as may from time to time be defined by the Board, by any bye-law made by them upon the subject of the compulsory attendance of children at school; and any person so appointed shall have all the powers, authorities, privileges, and protection that constables have at common law, or under any Statute or Act now or hereafter to be in force within the Colony.

Right of constable to enter any place to make enquiries about children residing in such place.

23. The Constable of the Board shall have authority to enter any place between the hours of eight of the clock in the morning and five of the clock in the evening of any day except Sunday and public holidays and there make enquiries of any person in such place as to any child who may there reside or be employed; and every person who shall hinder or obstruct such constable in the performance of his duty, or who shall wilfully make any false representations to him with respect to the age or employment of any child, whether such child shall be under the age of six years or not, or who shall wilfully refuse to afford to such Constable reasonably requiring the same any information of which such person shall be possessed as to the age or employment of any child, whether such child shall be under the age of six years or not, shall be guilty of an offence punishable on summary conviction and on conviction shall be liable to a penalty not exceeding twenty shillings.

Salaries.

24. The salaries of the officers of the Board shall be payable out of the Treasury by warrant in the usual manner.

Teachers.

25. The Governor may on the recommendation of the Board, appoint from time to time teachers for schools entirely maintained by the Board, and the Board shall have power, after the appointment of any such teacher by the Governor, to place such teacher in

charge of any such school and to transfer or remove such teacher from time to time from such school to any other school entirely maintained by the Board.

26. No teacher or other person shall demand or receive any school fees because of the attendance of children at the schools of the Colony entirely maintained by the Board. School fees.

27. All charges of whatever nature made against any teacher shall be investigated by the Board, which upon arriving at a decision, shall submit the proceedings in the case, together with the decision arrived at to the Governor with a recommendation that such teacher be dismissed if in the opinion of the Board the offence justifies such a punishment. Charges
against
teachers.

PART III.

INSTRUCTION.

28. (1) The Holy Bible and such religious and secular works as the Board may direct shall be the only books or lessons, as the case may be, permitted to be read in any school, and no catechism or sectarian work on the subject of religion shall be permitted to be used in any school. Instruction.

(2) In every school the instruction shall include elementary scientific instruction in the principles of temperance, hygiene and agriculture. Visitors.

PART IV.

VISITORS.

29. All ministers of religion, all members of the Executive Council and of the Legislature and all persons nominated for the purpose by the Governor shall be visitors of all schools and entitled to correspond with the Board and communicate any suggestions or complaints to the Board direct.

MISCELLANEOUS.

Bye-laws.

30. Subject to the approval of the Governor in Council, the Board may make Rules and Regulations on the following subjects :

- (1) The organization, discipline, routine and management of all schools.
- (2) The qualifications of and conditions upon which grants in aid shall be made to elementary schools in the Colony.
- (3) The days of attendance and the school vacation and holidays.
- (4) For prescribing the subjects to be taught and the books and materials to be used in all schools.
- (5) For fixing the salaries, and prescribing the qualifications and attainments, and for the appointment of teachers and assistant teachers, and for determining the manner, condition and rules of their admission to, and their removal from the service of the Board.
- (6) The division of the Colony into school Districts, the method of conducting the election of elective members of Local School Committees and the powers of supervision to be exercised within their respective districts by such Local School Committees.
- (7) Requiring the parents or guardians or persons having the care or charge of children of such age, not less than six years nor more than fourteen years as may be fixed by the bye-laws, to cause such children (unless there is some reasonable excuse) to attend school.

- (8) Determining the time at which children are so to attend school, provided that no such bye-law shall require any child to attend school on any day exclusively set apart for religious observance, by the religious body to which his parents belong.
- (9) For the conduct of its business and the regulation of its proceedings.
- (10) Imposing penalties for breach of any Rule, Regulation or bye-law.

31. Any bye-law under this Act requiring a child between ten and fourteen years of age to attend school, shall provide for the total or partial exemption of such child from the obligation to attend school if the Inspector of Schools certifies that such child has reached a standard of education specified in such bye-law.

Exemption
from attend-
ance.

32. Any of the following reasons shall be a reasonable excuse, namely :

Reasonable
excuse.

- (1) That the child is under efficient instruction in some other manner.
- (2) That the child has been prevented from attending school by sickness or any unavoidable cause.
- (3) That there is no school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the bye-law may prescribe.

33. Any proceeding under this Act to enforce any bye-law may be taken, and any penalty for the breach of any bye-law may be recovered in any summary manner before a Magistrate, but no penalty imposed for the breach of any bye-law shall exceed such amount as with the cost will amount to five shillings for each offence.

Procedure
to enforce
bye-laws.

Procedure
on summary
proceedings.

34. In any proceeding for offences and penalties under a bye-law the following provisions shall have effect :

- (1) The description of the offence in the words of the bye-law, or as near thereto as may be, shall be sufficient in law.
- (2) In any proceeding for an offence under a bye-law the Court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the bye-law.
- (3) Any Justice of the Peace may require by summons any parent or employer of a child required by a bye-law to attend school to produce the child before a Magistrate ; and any person failing to comply with such summons, shall be liable to a penalty not exceeding twenty shillings.
- (4) A certificate purporting to be under the hand of the principal teacher of a school, stating that a child is not attending such school, or stating the particulars of the attendance of a child at such school or stating that a child has been certified by the Inspector to have reached a particular standard of education, shall be evidence of the facts stated in such certificate.
- (5) Where a child is apparently of the age for the purposes of the proceedings, it shall lie on the defendant to prove that the child is not of such age.
- (6) If a child is attending a school which is not a school as defined by this Act, it shall lie on the defendant to show that the school is regularly conducted as an Elementary Day School, and, if required by the Court, produce a certificate from the teacher of such

Elementary Day School that the child is in regular attendance thereat.

35. Every person who forges or counterfeits any certificate which by this Act is made evidence of any matter, or gives, or signs any such certificate which to his knowledge is false in any material particular, or knowing any such certificate to be forged, counterfeited, or false, makes use thereof, shall be liable, on summary conviction before a Magistrate, to imprisonment for a period not exceeding three months with or without hard labour.

Forgery of certificate.

36. All bye-laws of the Board at present existing, shall continue in force as if made under the authority of this Act.

Present bye-laws in force.

37. The persons now holding appointments as teachers under the Board of Education established by The Education Act 1886 shall continue to hold their respective appointments and to perform their respective duties as if appointed under this Act and shall be subject to all the provisions of this Act.

Present Officers to continue to hold office.

38. The Acts specified in the Third Schedule to this Act shall continue in force until this Act shall come into operation and thenceforth shall be repealed.

Repeals.

39. This Act shall come into operation on such day as the Governor shall notify in the Gazette.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Inspector and General Superintendent of Schools	£250	0	0
Secretary	100	0	0
Constable	50	0	0

SECOND SCHEDULE.

Six thousand pounds.

THIRD SCHEDULE.

REGNAL YEAR AND CHAPTER.	SHORT TITLE.
46 Vic. cap. 3	The Education Act 1882.
49 Vic. cap. 16	The Education Act 1886.
51 Vic. cap. 17	The Education (Amendment) Act 1888.
52 Vic. cap. 19	The Education (Amendment) Act 1889.
54 Vic. cap. 10	The Education (Amendment) Act 1891.
55 Vic. cap. 15	The Education (Amendment) Act 1892.
60 Vic. cap. 27	The Expiring Laws Continuance Act 1897.
62 Vic. cap. 17	The Vesting of Lands Education Act 1899.
63 Vic. cap. 4	The Education Act 1886 Amend- ment Act 1900.
1 Ed. VII cap. 6	The Education Act 1886 further Amendment Act 1901.
4 & 5 Ed. VII cap. 15	The Education (Amendment) Act 1905.
7 Ed. VII cap. 11	The Education (Amendment) Act 1907.

CHAPTER 8.**An Act to amend the Out Island Commissioners of Works Act 1890.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Out Island Commissioners of Works Amendment Act 1908 and shall be read and construed as one with the Out Island Commissioners of Works Act 1890, (hereinafter referred to as the principal Act).

Short title.

2. In this Act---

Interpretation.

"Board" means a Board of Commissioners of Public Works for an Out Island appointed under the principal Act.

3. Every Board in existence at the commencement of this Act or hereafter appointed under the principal Act shall be a corporation with perpetual succession and a Common Seal and shall be known by the name given to it by the Governor in Council and may sue and be sued in that name.

Incorporation of Boards.

4. All lands by the principal Act or any other Act vested in the Governor and the members of any Board for the time being of the district within which such lands shall be situate and not otherwise disposed of at the commencement of this Act shall vest in the Board incorporated by this Act of the District within which such lands are situated and their successors and assigns according to

Vesting of lands in Boards.

the respective nature and quality of such lands and the several estates and interest of and in the same respectively for the public service of the Colony subject to the disposition of the Legislature of the Colony.

Lands here-
after pur-
chased to
vest in
Boards.

5. All lands hereafter purchased or otherwise acquired for the use of the Colony except such as may be purchased or otherwise acquired by any other public Board shall vest in the Board incorporated by this Act of the district within which such lands shall be situate according to the respective nature and quality of such lands and the several estates and interests of and in the same respectively in trust as aforesaid.

Acquisition
of lands by
Boards.

6. Every Board incorporated under this Act shall, whenever so required by the Governor in Council, purchase or otherwise acquire any lands which may from time to time be required for the use of the Colony and situate within the District of such Board and when directed by the Governor in Council, shall sell, exchange or otherwise deal with such lands and all other lands vested in any such Board by this Act. And all actions or proceedings civil and criminal prosecuted and maintained in relation to any lands vested in any Board incorporated by this Act may be prosecuted or maintained or defended by the Chairman for the time being of such Board.

Execution
of deeds.

7. All deeds, instruments, contracts and other documents dealing with any lands by this Act vested in any Board incorporated under this Act or hereafter vested in such Board shall be deemed to be sufficiently executed if sealed with the Common Seal of such Board and signed by the Chairman and two members of such Board and countersigned by the Governor.

Civil Engi-
neer's duties
in Out
Islands.

8. It shall be the duty of the Civil Engineer of the Colony, or any officer of his department, to perform all such duties in the Out Islands, including the preparation of plans and estimates for public works and surveys, as may be directed by the Governor in Council and all travelling expenses and subsistence allowances of the Civil Engineer shall be paid out of the Treasury by warrant in the usual manner.

9.—(1) The Governor may appoint from time to time a competent Civil Engineer and Surveyor at a salary not exceeding £300 a year on such terms and conditions as may be deemed proper by the Governor in Council and such engineer shall be styled the Assistant Engineer and shall be attached to the Department of the Civil Engineer of the Colony.

Engagement
of Assistant
Engineer.

(2) It shall be the primary duty of the Assistant Engineer to perform and render all such duties and services in the Out Islands including surveys, making plans, framing estimates for public works and the supervision and carrying out of public works and the superintendence of Colonial Lights as may from time to time be directed by the Governor in Council.

Duties of
Assistant
Engineer.

(3) For the purpose of carrying into effect the objects of this section the Governor may defray out of the Treasury by Warrant in the usual manner :—

Expenses

- (a) The salary of the Assistant Engineer.
- (b) The necessary travelling expenses not exceeding £30 on the first engagement of the Assistant Engineer if such Assistant Engineer is engaged without the Colony.
- (c) The necessary travelling expenses of the Assistant Engineer when engaged on work in the Out Islands.
- (d) Any necessary expenses incurred by the Assistant Engineer in carrying out the duties imposed on him by the terms of this section.

(4) This section shall continue in force for a period of three years from the date of the first engagement of an engineer under this section.

Limitation
of section.

10. The Acts set forth in the schedule hereto are hereby repealed to the extent set forth in the third column of that schedule.

Repeals.

Schedule.

SCHEDULE.

Regnal Year and Chapter.	Short Title.	Extent of Repeal.
37 Vic. cap. 19.	The Board of Works (New Providence) Act 1871.	The whole Act.
42 Vic. cap. 3.	The Telegraph License Act 1879.	
43 Vic. cap. 14.	The Telegraph Licenses Act 1880.	" " "
52 Vic. cap. 10.	The Board of Works 1889.	" " "
55 Vic. cap. 17.	An Act to amend the Act 37 Victoria Chapter 19, regulating the Department of Public Works.	" " "
58 Vic. cap. 21.	The Board of Works Act 1895.	" " "
59 Vic. cap. 23.	The Amended Board of Public Works Act 1896.	" " "
62 Vic. cap. 6.	The Surveyor General and Civil Engineer's Act 1899.	" " "
1 Ed. VII cap. 20.	The Board of Works (Scavenger's Appointment) Act 1901.	" " "
2 Ed. VII cap. 13.	The Board of Works Amendment Act 1902.	" " "
5 and 6 Ed. VII cap. 17.	The Expiring Laws Continuance Act 1906.	So much thereof as continues in force the following Acts 37 Vic. cap. 19. 55 Vic. cap. 17. 58 Vic. cap. 21. 59 Vic. cap. 23. 2 Ed. VII cap. 13.

CHAPTER 9.

An Act to prevent the landing of Immigrant Paupers and Stowaways.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the most Distinguished Order of Saint Michael and Saint George, Governor and Commander-

in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Immigrant Paupers Prevention Act 1908. Short title.

2. "Port Officer" means in the case of Out Islands a Collector of Revenue and in the case of the Island of New Providence the Port Officer. Definitions.

"Ship" means a ship arriving at any part of the Colony from without the Colony.

3. The master of a ship shall, on the arrival of the ship, deliver to the Port Officer a correct list of the second and third class passengers on such ship, if the ship be a steamship, and of all the passengers on such ship, if the ship be a sailing ship, and a correct report as to each of such passengers in the Form A in the Schedule to this Act, with the particulars specified in such form properly and correctly filled in, and every master, who violates the provisions of this section, shall be liable to a penalty not exceeding £50. List of passengers, &c. to be delivered by master of ship to Port Officer.

4. (1) On the arrival of any ship at this Colony, the Port Officer shall hold an enquiry alongside or on board of such ship as to the physical, mental and pecuniary condition of every second and third class passenger on board such ship, if the ship be a steamship, and of every passenger on board such ship, if the ship be a sailing ship, and if the Port Officer is satisfied that any passenger is unable by reason of physical or mental infirmity to maintain himself or is likely, if permitted to land, to become chargeable to the Colony the Port Officer shall by notice in writing to be served on the Master of the ship, or affixed to the mast thereof, forbid the landing of such passenger, provided nevertheless that the Port Officer shall not forbid the landing of a native of this Colony. Enquiry to be held by Port Officer as to certain persons.

(2) Pending the enquiry directed by the preceding subsection no second or third class passenger on board any steam ship nor any passenger on board Landing of strangers likely to be a burden on Colony to be forbidden by Port Officer.

Pending enquiry certain passengers not to leave ship.

any sailing ship shall, notwithstanding that such ship is admitted to pratique, leave such ship without the permission of the Port Officer.

Passengers forbidden to land can land only if Government is guaranteed against expense within 3 years.

(3) The passenger named or described in the notice given under subsection one of this section shall not land in any part of this Colony except some person resident in the Colony and approved by the Port Officer as sufficient shall by deed which may be in the form B in the schedule to this Act, covenant with the Governor and his successors in office, any charges which may within three years from the date of such deed be incurred to repay to the Governor and his successors in office in respect of such passenger forbidden to land as aforesaid.

Penalty for landing contrary to Act.

(4) If any passenger forbidden to land as aforesaid lands in this Colony, or if any person mentioned in subsection two of this section leaves the ship pending the enquiry directed by subsection one of this section without the permission of the Port Officer and lands in this Colony :

Ship subject to a maritime lien

(a) the ship by which such passenger arrived at this Colony shall be subject to a maritime lien in favour of His Majesty the King, his heirs and successors for a sum of One hundred pounds in respect of each passenger forbidden to land or leaving the ship pending enquiry without permission as aforesaid, and the amount so charged may be sued for and recovered in the Colonial Court of Admiralty.

and may be detained ; and

(b) the ship by which such passenger arrived at this Colony may be detained by force if necessary by the Port Officer with the aid of the police (who are hereby required to lend assistance to the Port Officer, when called upon) until payment of the lien aforesaid, or until arrested under process of the Colonial Court of Admiralty.

master and

(c) the master of such ship shall be liable to a penalty not exceeding £50.

(d) the passenger forbidden to land and leaving the ship pending enquiry without permission as aforesaid, or any person who aids or assists him in landing, shall be liable to a penalty not exceeding £50.

landing passenger subjected to a penalty.

(5) This section shall not apply to any person, who has been rescued from any ship and brought to this Colony without having been taken to any port without the Colony where such person could have been landed and properly cared for and relieved.

Persons to which section is not applicable.

5. A magistrate may, on its being proved to his satisfaction that a passenger has landed from a ship contrary to the provisions of this Act, issue a warrant to arrest and convey back on board such ship such passenger or to take such passenger before a magistrate to be further dealt with under the provisions of section four of this Act as such warrant shall require.

Passenger landing contrary to Act may be conveyed back to ship before she leaves,

6. If a ship from which a passenger shall have landed contrary to the provisions of this Act shall leave the Colony without such passenger, and such ship shall return to this Colony within 3 years after leaving the same, such passenger shall be arrested and conveyed back on board such ship under warrant signed by a magistrate, notwithstanding that such passenger has been punished under section four of this Act, provided always that such passenger, if he is undergoing imprisonment in default of payment of the fine imposed under section four of this Act, shall be delivered by the gaoler to any constable entrusted with the execution of a warrant signed by a magistrate to convey back such passenger on board such ship.

or when she returns.

7. Any master of a ship neglecting or refusing to receive or to carry away any passenger arrested and conveyed back on board such ship under the two preceding sections shall be liable to a penalty not exceeding £50.

Penalty on master for not receiving passenger.

8. Any foreign seamen or any stowaway may be discharged or allowed to land if the consular agent of the Country to which such seaman or stowaway belongs or the agent of the ship in which he is brought to this

Condition on which foreign seaman or stowaway allowed to land.

Colony shall give to the Port Officer a written undertaking to maintain such foreign seaman or stowaway until he can be reshipped or sent away from the Colony or can otherwise satisfy such Port Officer that the seaman or stowaway will not become chargeable to the Colony.

Penalty for not observing above conditions.

9. (1) If any foreign seaman is discharged and lands or any stowaway lands without the written undertaking required by section eight being given or without satisfying the Port Officer as therein mentioned he shall be liable to a penalty not exceeding £20 and the master of the ship shall be liable to a penalty not exceeding £20.

(2) Such seaman or stowaway may be arrested and dealt with in the manner in which a passenger who has landed contrary to the provisions of this Act may be arrested and dealt with under sections five and six of this Act.

Warrant to convey back to ship to be issued at instance of master.

10. The master of any ship may on the desertion of any seaman or the landing of any stowaway or pauper passenger from his ship apply to a magistrate, who shall grant such application, for a warrant to arrest and convey back on board ship such seaman or stowaway or pauper passenger, and on so doing the master shall be held harmless of all pains and penalties at law for so doing.

Maritime lien and penalty to cease if passenger &c., conveyed back to ship under warrant issued at instance of master.

11. If any passenger, foreign seaman or stowaway land in this Colony from any ship contrary to the provisions of this Act and such passenger, foreign seaman or stowaway is, on the complaint of the master of such ship, arrested and conveyed on board such ship under the provisions of sections five and nine of this Act, the maritime lien arising under section four of this Act shall cease to exist, and the penalty to which the master is liable under sections four and nine shall not be enforceable, but such maritime lien shall revive and such penalty shall be enforceable if such passenger, foreign seaman or stowaway again lands in this Colony before the departure of such ship.

12. Any expense incurred in such apprehension shall be paid by the master of the ship and until such expense is paid the chief or other proper officer of the revenue is hereby authorised to refuse a certificate of clearance to the master of such ship.

Expenses attendant on such warrant to be paid by master.

13. The master of any ship arriving at this Colony shall answer all questions which the Port Officer shall put to him, and any master who shall either refuse to answer any such question, or who shall give an untrue answer thereto shall be liable to a penalty not exceeding £50.

Master to answer all questions.

14. If the Port Officer shall have reason to believe that any person brought to this Colony in any steamship as a first class passenger has been brought to this Colony under that designation for the purpose of evading the provisions of this Act, the Port Officer shall prohibit such person from landing in this Colony and shall notify the master of such ship of such prohibition, and if any such passenger shall without the permission of the Port Officer land in this Colony after being prohibited as aforesaid, such passenger and the master of such ship shall be liable to the same penalties as are imposed by this Act when a passenger lands in this Colony contrary to the provisions of this Act, and the ship shall be subject to the maritime lien imposed by section four of this Act and all the provisions of this Act as to any maritime lien shall apply to any maritime lien incurred under this present section.

Persons not travelling *bono fide* as first class passengers.

15. The Governor in Council may make regulations for more effectually carrying out the provisions of this Act.

Regulations may be made by Governor in Council.

16. Any person infringing the provisions of any regulation made under the provisions of this Act shall be liable to a penalty not exceeding £10.

Penalty for infringement of regulations.

17. All penalties imposed by this Act shall be recoverable summarily.

Procedure.

18. The Act 28 Victoria chapter 1, is hereby repealed.

Repeals.

19. This Act shall come into operation on the first day of October 1908.

Commencement.

SCHEDULE.

FORM A.

List of passengers arriving at the port of				in the Bahamas in the ship				master, from					
1	2	3	4	5	6	7	8	9	10	11	12	13	
No. in list.	Full Name.		Age.	Sex.	Can he or she read or write.	Whether married or single.	Calling or Occupation.	Place of Birth.	Nationality.	Last residence.	Whether in possession of money.	Amount of money.	Object in coming to Bahamas.
	Family Name.	Given Name.											
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
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24													
25													
26													
27													
28													
29													
30													

(Signature of Master or Purser.)

FORM B.

To all to whom these presents shall come A. B.
of _____ sendeth greeting :

Whereas C. D. who lately arrived in this Colony by the ship _____ has been forbidden to land under the provisions of The Immigrant Paupers Prevention Act 1908, and whereas the said A. B. desires the said C. D. to land in the Colony, now these presents witness that in consideration of the said C.D. being permitted to land in the Colony, he the said A. B. doth hereby for himself, his heirs, executors, and administrators, covenant with the Governor of the Colony for the time being, and his successors in office that he the said A. B. will on demand forthwith repay to the Governor as aforesaid, or the _____ any charges which within three years from the date hereof may be incurred in respect of the said C. D. In witness whereof the said A. B. has set his hand and seal this _____ day _____ 190_____

(L.S.)

CHAPTER 10.

**An Act to provide for the numbering of
houses in the Island of New Providence.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title. 1. This Act may be cited as The Numbering of Houses Act 1908.

Numbering of houses. 2.—(1) From and after the coming into operation of this Act the Board of Public Works for the Island of New Providence may from time to time fix a number in a conspicuous place on the outer side of any house or building or at the entrance of the enclosure thereof fronting the street.

(2) Whoever destroys pulls down defaces covers or conceals any such number shall be liable to a penalty not exceeding One Pound for each offence.

(3) It shall be the duty of the owner of such house or building to protect such number and the expense of replacing or refixing any such number which has been destroyed pulled down or defaced covered or concealed shall be paid by the owner and shall be recoverable summarily.

Rules and Regulations 3. Subject to the approval of the Governor in Council the Board of Public Works for the Island of New Providence may make Rules and Regulations for carrying out the objects of this Act.

Expenses. 4. All expenses incurred in carrying this Act into execution shall be paid out of the Treasury by warrant in the usual manner.

Repeal. 5. The Act 62 Victoria chapter 30 shall be and the same is hereby repealed.

CHAPTER 11.

An Act to amend the Board of Agriculture Act 1906.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the most Distinguished Order of Saint Michael and Saint George, Governor and Commander-

in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Board of Agriculture Amendment Act 1908 and shall be read and construed as one with The Board of Agriculture Act 1906. Short Title.
2. Section 8 (1) of the principal Act is amended by striking out the figures “£600” appearing in the seventh line thereof and by inserting in lieu thereof the figures “£1000.” Amends section 8 of principal Act.
3. The Board shall expend the sum of £200 annually in procuring pineapple slips for distribution among the pineapple growing Islands of the Colony. £200 to be expended annually for pineapple slips.

CHAPTER 12.

An Act to amend the Sponge and Turtle Fisheries Act 1905.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Sponge and Turtle Fisheries Amendment Act 1908 and shall be read and construed as one with the Sponge and Turtle Fisheries Act 1905 hereinafter called the principal Act. Short Title.
2. Section 25 (1) of the principal Act is amended by striking out the word “thirteen” in the first and Amends 4 & 5 Ed. 7 c. 18 sec. 25 (1.)

fifth lines thereof and by substituting therefor the word "fourteen."

Amends 4
& 5 Ed. 7
c. 18 sec. 28.

3. Section 28 of the principal Act is amended by striking out the word "thirteen" in the last line thereof and by substituting therefor the word "fourteen."

CHAPTER 13.

An Act to extend the Provisions of the Insurance Companies Tax Act 1883 to the entire Colony.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title

1. This Act may be cited as the Insurance Companies Tax Extension Act 1908 and shall be read and construed as one with the Insurance Companies Tax Act 1883.

Extent of Act.

2. The provisions of 46 Victoria Chapter 16 shall extend and apply to every Fire Insurance Company carrying on business in any part of the Colony and whenever the provisions of the Act so extended shall be applied to the Out Islands the words "Island of New Providence" shall be read and construed as applying to the Out Island District to which they are so applied and the words "Receiver General and Collector" shall be read and construed as Resident Justice of the Out Island District to which they are so applied. Provided that this Act shall not extend the provisions of the Act 46 Victoria chapter 16 to any Out Island District which is not supplied by the Legislature with a Fire Engine.

CHAPTER 14.**An Act to amend the law relating to Stamps
and other matters.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

1. This Act may be cited as The Statute Law Short Title.
Revision Act 1908.

2. Section 6 of Act 40 Victoria Chapter 9 is amended by adding in the fifth line thereof after the words "letters of his name" the words following, that is to say: "and the date of such deed, paper, writing or other instrument." Amends section 6 of 40 Vic. cap. 9.

3. Section 1 of The Post Office Prohibited Articles Act 1894 is amended by adding in the last line thereof after the word "packet" the words following, that is to say: "or any other Revenue duty or tax." Amends section 1 of Post Office Prohibited Articles Act 1894.

CHAPTER 15.**An Act to amend section eighty-two of the
Imperial Bills of Exchange Act 1882 as
extended to the Colony**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint

CH. 15. *Bills of Exchange) Crossed 7 & 8 EDW. 7.
Cheques) Act, 1908.*

Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Amends section 82 of 45 & 46 Vlo. c. 61.

1. A banker receives payment of a crossed cheque for a customer within the meaning of section eighty-two of the Imperial Bills of Exchange Act, 1882, as extended to the Colony, notwithstanding that he credits his customer's account with the amount of the cheque before receiving payment thereof.

Short Title.

2. This Act may be cited as The Bills of Exchange (Crossed Cheques) Act, 1908, and this Act and the Bills of Exchange Act, 1892, may be cited together as the Bills of Exchange Acts, 1892 and 1908.

CHAPTER 16.

An Act to increase the salaries of certain public officers.

[8th June 1908].

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title.

1. This Act may be cited as The Public Establishments Act 1908.

Increase of certain salaries.

2. From and after the coming into operation of this Act the persons holding the offices set out in the First Schedule to this Act shall receive the salaries thereby assigned to such offices.

3. The Acts set out in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column thereof. **Repeals.**

4. This Act shall not come into operation unless and until the Governor notifies by proclamation that it is His Majesty's pleasure not to disallow the same, and subject as aforesaid it shall come into operation on the first day of July 1908 or as soon after that day as such proclamation as aforesaid shall be made. **Commence-ment.**

SCHEDULES.

FIRST SCHEDULE.

Office.	Salary.
The Dispenser of the New Providence Asylum.	£100
Third Clerk in the Receiver General and Treasurer's Department.	£130

SECOND SCHEDULE.

Regnal Year and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Ed. 7. c. 2.	The Asylum Act 1906.	So much thereof as affixes a lower salary to the office of Dispenser.
54 Vic. cap. 4.	The Salaries Act. 1891.	So much thereof as affixes a lower salary to the office of 3rd Clerk in the Receiver General's Department.

CHAPTER 17.**An Act granting personal allowances to certain Public Officers.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title. 1. This Act may be cited as The Personal Allowances Act 1908.

Personal allowances to certain Public Officers. 2. From and after the coming into operation of this Act there shall be payable out of the Treasury by warrant in the usual manner as an annual allowance to each of the persons named in the Schedule hereto during such time as they shall hold the offices respectively set forth in the said Schedule, the sums placed opposite their respective names.

Commencement. 3. This Act shall not come into operation unless and until the Governor notifies by proclamation that it is His Majesty's pleasure not to disallow the same, and subject as aforesaid it shall come into operation on the first day of July 1908 or as soon after that day as such proclamation as aforesaid shall be made.

SCHEDULE.

Name of Officer.	Name of Office.	Amount of Grant.
Duncombe, Roger Kelsall	Clerk of the Nassau Market.	£20
Peters, Samuel J.	Sanitary Inspector.	£20
Reeves, Henry L.	Tidewaiter.	£25

CHAPTER 18.**An Act to provide a Salary for the President
of the Legislative Council.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The President of the Council's Salary Act, 1908. Short Title.
2. From and after the coming into operation of this Act the person holding the office of President of the Legislative Council, provided he does not hold permanently any other office or place of profit under the Crown, shall receive a salary at and after the rate of £100 pounds per annum payable out of the Treasury by warrant in the usual manner. Salary of £100, if holding no other office of profit.
3. If the President of the Legislative Council accepts permanently any other office or place of profit under the Crown he shall cease to draw any salary under this Act so long as he continues to hold any such other office or place. Salary ceases upon acceptance of another office of profit.
4. The salary provided by this Act shall take effect and date from the 3rd day of January, 1908. Salary dates from 3rd January 1908.
5. This Act shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and subject as aforesaid it shall come into operation upon such day as such Proclamation shall be made. Commencement.

CHAPTER 19.**An Act to provide a Salary for the Deputy Speaker of the House of Assembly.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

- | | |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short Title. | 1. This Act may be cited as the Deputy Speaker's Salary Act, 1908. |
| Salary of Deputy Speaker £100. | 2. From and after the coming into operation of this Act the person holding the office of Deputy Speaker of the House of Assembly shall receive a salary at and after the rate of one hundred pounds per annum payable out of the Treasury by warrant in the usual manner. |
| Certain persons ineligible for election as Deputy Speaker. | 3. No member of the House of Assembly who is also a permanent member of the Executive Council or who holds permanently any office or place of profit under the Crown shall be eligible for election as Deputy Speaker of such House. |
| Acceptance of seat in Executive Council vacates Election. | 4. If the Deputy Speaker of the House of Assembly shall accept a permanent seat in the Executive Council such acceptance shall at once vacate his election as Deputy Speaker. |
| Salary to take effect on 3rd January 1908. | 5. The salary provided by this Act shall take effect and date from the third day of January 1908. |
| Commencement. | 6. This Act shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same |

and subject as aforesaid it shall come into operation on the day on which such proclamation as aforesaid shall be made.

CHAPTER 20.

An Act to amend the law by making better provision for the Widows of certain Intestates in the distribution of such Intestates' property.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Intestates' Estates Act 1908. Short Title.

2. The real and personal estates of every man who shall die intestate after the first day of January one thousand nine hundred and nine leaving a widow but no issue shall, in all cases where the net value of such real and personal estates shall not exceed fifty pounds belong to his widow absolutely and exclusively. Intestate's estate not exceeding £50 to belong to widow where no issue.

3. Where the net value of the real and personal estates in the preceding section mentioned, shall exceed the sum of fifty pounds the widow of such intestate shall be entitled to fifty pounds part thereof absolutely and exclusively and shall have a charge upon the whole of such real and personal estates for such fifty pounds, with interest thereon from the date of the death of the intestate at four per centum per annum until payment. Intestate's estate exceeding £50, widow to have a charge for £50.

How charge
to be borne
as between
realty and
personalty.

4. As between the heir at law and the personal representatives of such intestate, such charges shall be borne and paid in proportion to the values of the real and personal estates respectively.

Above provision to be in addition to share of residue.

5. The provision for the widow intended to be made by this Act shall be in addition and without prejudice to her interest and share in the residue of the real and personal estates of such intestate remaining after payment of the sum of fifty pounds, in the same way as if such residue had been the whole of such intestate real and personal estates and this Act had not been passed.

How realty
to be
valued.

6. The net value of such real estates as aforesaid shall for the purposes of this Act be estimated in the case of a fee simple upon the basis of ten years purchase of the annual value by the year at the date of the death of the intestate, less the gross amount of any mortgage or other principal sum charged thereon, and less the value of any annuity or other periodical payment chargeable thereon.

How person-
alty to be
valued.

7. The net value of such personal estate as aforesaid shall be ascertained by deducting from the gross value thereof all debts, funeral and testamentary expenses of the intestate, and all other lawful liabilities and charges to which the said personal estate shall be subject.

CHAPTER 21.

An Act to make better provision by law for giving redress to persons having claims against the Crown in the Colony.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-

in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Petition of Short Title. Right Act 1908.

SUITS FOR REDRESS AGAINST THE CROWN.

2. Any claim against the Crown founded on the use or occupation, or right to use or occupation, of Crown Lands in the Colony, and any claim arising out of the Revenue Laws, or out of any contract entered into, or which should have, or might have been entered into, on behalf of the Crown, by, or by the authority of the Government of the Colony, which would, if such claim had arisen between subject and subject, be the ground of an Action at Law or Suit in Equity, and any claim against the Crown for damages or compensation arising in the Colony, shall be a claim cognizable under this Act.

Petition of right.

In what cases.

PETITION OF RIGHT.

3.—(1) Any person having such claim may refer his complaint by petition, in the form in Schedule A, addressed to the Governor in Council, setting forth with convenient certainty, verified by Affidavit, the facts entitling the Petitioner to relief and setting out the redress, relief or remedy prayed for.

Petition to Governor in Council.

(2) Such petition shall be considered by the Governor in Council who, if it appears to him that the claim is a *bona fide* claim, which cannot be amicably settled, may order that right shall be done; whereupon the said petition, with such Order indorsed thereon in the hand of the Colonial Secretary, shall be returned to the Petitioner, who may cause the same to be filed in the Supreme Court; and shall cause a copy thereof, with a written request, in the form in Schedule B, to be left at the Chambers of the Attorney-General, praying for an answer to such petition within twenty-eight days from the service of such request.

Governor in Council may fiat.

Filing.

Copy and request to Attorney General.

Petition to
form a suit.

(3) Every such petition so filed shall on being filed in the Supreme Court, be entered as a Suit under this Act, and shall, on being filed, be intituled in the Supreme Court, in the name of the Petitioner as Plaintiff and the Attorney-General as Defendant.

ANSWER.

Answer by
Attorney-
General.

4. — (1) Such petition shall be answerable by the Attorney-General on behalf of the Crown.

May move
to dismiss
petition on
points of
law.

(2) The Attorney-General may not demur but if it appears to him that the petition discloses no case, admitting as true the facts alleged in it, which would entitle the Petitioner to any Judgment, Decree, or Order against the Crown, he may apply, by motion to the Court, on giving twenty-four hours' notice, in the form in Schedule C, for a Summons to be issued and served on the Petitioner, calling upon him to show cause why the petition should not be dismissed; and if the Summons be issued and served and it appears to the Court upon the hearing, that no Judgment, Decree, or order can be given on the petition as it stands, the Court may direct the petition to be dismissed, or to be amended on such terms as to costs and otherwise, as to the Court may seem right.

Amended.

Reasons to
be set out.

(3) Every such Summons shall set out fully the grounds or reasons on which the motion will be made; and, at the hearing, no other grounds or reasons shall be given in argument, without leave of the Court.

How to
answer.

(4) If the Attorney General does not take out such summons or if the Court on hearing any application, and either allowing or not allowing the Petitioner to amend his petition, decides that the Attorney-General shall answer; he shall answer, admitting or denying every allegation of fact and every charge and claim in the petition, and stating any objections in point of law; and, at the hearing, all matters which might be urged, as if on Demurrer, for the Crown and for the Defendant, shall be heard by the Court, and the whole matter shall be disposed of on Petition and Answer, without any formal Demurrer; and, in default of answer, the petition may, by leave of the Court, be taken *pro confesso*.

Matters of
law.

SUBSEQUENT PROCEEDINGS.

5. All the subsequent proceedings in the matter of such petition down to and including the hearing or trial, shall be conducted in the same manner and subject to the same rules of practice and procedure, as are in force in respect of ordinary suits for a similar purpose between subject and subject.

Subsequent
progress.

JUDGMENT AND EXECUTION.

6. The Court shall give and pronounce such and the like Judgment, Decree or Order in the suit, as the Court would give or pronounce in a similar matter between subject and subject ; and an appeal from any such Judgment, Decree or Order shall lie in the same manner as from any Judgment, Decree or Order of the said Court, in any action or suit for a similar purpose between subject and subject.

Judgment.

Appeal.

7. No execution or attachment or process in the nature thereof, shall be issued out of the said Court against the Crown in any such suit ; but after any Judgment, Decree or Order has been given or pronounced against the Crown in such suit, the Registrar of the Court shall give to the Petitioner a certificate, in the form in Schedule D, when thereunto requested by the Petitioner.

No execu-
tion.

Certificate
of judg-
ment.

8. The amount, with any costs, given by the Judgment Decree or Order of the Court, shall be payable out of any monies in the Treasury legally applicable thereto, or out of any monies which may be voted by the Legislature for the purpose : and the Governor shall order payment accordingly, and shall also order the performance of any Decree or Order which may be pronounced or made in the suit by the Court.

How pay-
ment to be
made.

9. In the event of an appeal on the part of His Majesty against any such Judgment, Decree or Order, any amount awarded shall not be paid, and the performance of any Decree or Order shall be stayed on such terms as to the Court seem fit, pending the result of such appeal ; with full power to the Court to

Appeal.

Protection
of property.

take all necessary steps in regard to the protection, management, use and control of any real property in question, without affecting the right of possession in and to the same ; and with full power to protect and control and dispose of personal property, pending such

Commence-
ment.

10⁷ This Act shall not come into operation unless and until the Officer Administering the Government notifies by Proclamation in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation upon such day as the Officer Administering the Government shall notify by the same or any other Proclamation.

SCHEDULES.

SCHEDULE A.

Section 3.

Petition of Right.

To His Excellency the Governor of the Bahamas in Council.

The Petition of (name, address, and occupation)

Humbly sheweth that (here state facts in the form of a narrative, and set out the nature of the remedy or relief prayed for).

Your Petitioner therefore prays that Your Excellency in Council will be pleased to order that right be done in this matter, and that the Attorney General of the Colony may be required to answer the petition, and that your petitioner may henceforth prosecute his petition in the Supreme Court of the Colony, and take such other proceedings as may be necessary.

And your petitioner, as in duty bound, will ever pray.

Dated

(Signed) A. B.,

Petitioner.

I, A. B., the Petitioner above-named, do hereby make oath and say, that the facts in the above Petition set out are true, to the best of my knowledge, information and belief.

So help me God.

(Signed)

Petitioner.

Sworn before me
this

day of

Registrar.

Indorsement.

Let right be done.

By His Excellency's Command.

(Signed)

Colonial Secretary.

N.B.—If the Petitioner is not personally acquainted with the facts, the Affidavit is to be made by some person or persons who is or who are ; so that each and every material fact set out may be verified on oath.

SCHEDULE B.

Request to Answer.

Section 4.

In the Supreme Court

19

Side

No.

In the matter of the Petition of
A. B., Petitioner.

vs.

The Attorney-General.

To

His Majesty's Attorney-General.

The Petitioner prays for an Answer on behalf of His Majesty within twenty-eight days hereof, or otherwise that the Petition may be taken as confessed.

(Signed) by Petitioner or
his Attorney.

Dated at

SCHEDULE C.

Section 4 (2)*Issue of Summons.*

In the Supreme Court

19

Side

No.

In the matter of the Petition of
A. B., Petitioner.

vs.

The Attorney General.

or

The Attorney General

vs.

Defendant.

Let all parties concerned attend the Chief Justice
on the day of 19
at o'clock in the noon, on the hearing of
an application on the part of
that this case should be dismissed, for the following
reasons, that is to say, (here state the reasons)

Dated the

day of

19

To

SCHEDULE D.

Certificate of Judgment.

Section 7.

In the Supreme Court
Side

19
No.

In the matter of the Petition of
A. B., Petitioner
vs.
The Attorney-General.

I do hereby certify that A. B., the above-named
Petitioner, did on the day of 19
obtain a Judgment, (Order or Decree) of the Supreme
Court in this suit in his favour, and that by such
Judgment the sum of £ was awarded to him
with (or without) costs or that (here state nature of
any Order or Decree made) with (or without) costs.

And that the costs have since been taxed, as
against His Majesty the King, at £ .
Dated

(Signed)

Registrar.

CHAPTER 22.**An Act to amend the Electric Light Act 1907.**

[8th June 1908.]

MAY it please the King's most Excellent Majesty
that it may be enacted and be it enacted by His
Excellency Sir William Grey-Wilson, Knight Com-
mander of the most Distinguished Order of Saint
Michael and Saint George, Governor and Commander-
in-Chief in and over the Bahama Islands, the Legisla-
tive Council and Assembly of the said Islands, and it
is hereby enacted and ordained by the authority of the
same as follows :

Short Title. 1. This Act may be cited as *The Electric Light Act 1907 Amendment Act 1908* and shall be read and construed as one with *The Electric Light Act 1907* hereinafter called the principal Act.

Amends section 3 of the principal Act. 2. Section 3 of the principal Act is amended by adding the word "or" after the word "Board."

Amends section 5 of the principal Act. 3. Section 5 of the principal Act is amended by substituting the figures "£15,000" for the figures "£11,500."

Amends section 6 of the principal Act. 4. Section 6 of the principal Act is amended by substituting the figures "£15,500" for the figures "£12,000."

Amends section 7 of the principal Act. 5. Section 7 of the principal Act is amended by striking out sub-section (1) and substituting therefor the following sub-section :

"(1) All revenue received by or on account of the supply of electricity under this Act shall be paid into the Treasury and credited to an account to be named "*The Electric Light Fund*" and all such revenue and other monies from time to time standing to the credit of such Fund shall be applied by the Lighting Authority towards the following payments, that is to say :—

(a) All expenses incurred in maintaining and working the works and services authorised by this Act including the salaries and remunerations payable under this Act.

(b) The purchase of stores including fixtures, fittings, meters and all other appliances and things necessary for installing and utilising electricity in public buildings or private houses including wire and the cost of wiring and fitting.

(c) Remuneration to Collectors provided for by section 6 of the Act 34 Victoria chapter 13.

(d) The expenses incurred by the Board in lighting the streets and squares within the specified area other than by electricity, as provided for by section 8 of this Act.

6. Section 7 (2) of the principal Act is amended by adding after the word "revenue" in the first line thereof the words "and other monies standing to the credit of the Electric Light Fund."

Amends section 7 (2) of the principal Act.

7. Section 8 of the principal Act is amended by striking out the word "public" before the word "Treasury."

Amends section 8 of the principal Act.

8. Section 10 (1) of the principal Act is amended by adding the word "practicable," after the words "as may be" in the last line thereof, and by striking out the full stop after the word "be".

Amends section 10 (1) of the principal Act.

9. The principal Act is amended by adding a section to be numbered 12A. in the words following :—

Amends principal Act by adding a new section to be numbered 12A.

" 12A. When electric lines meters accumulators fittings works or apparatus belonging to the Lighting Authority are placed in or upon any premises not being in the possession of the Lighting Authority for the purpose of supplying electricity such lines meters accumulators fittings works or apparatus shall not be subject to distress nor to be taken in execution under any process of a Court or any proceedings in Bankruptcy against the person in whose possession the same may be."

Apparatus exempt from distress &c.

10. The principal Act is amended by adding a section to be numbered 12B. in the words following :—

Amends principal Act by adding a new section to be numbered 12 B. Contracts.

" 12B. Every contract or agreement made under this Act may be made on behalf of the Lighting Authority by any person from time to time authorised by the Lighting Authority."

11. Section 18 (1) of the principal Act is amended by inserting the words "installed and" before the word "supplied" in the third line thereof.

Amends section 18 (1) of the principal Act.

CHAPTER 23.**An Act for enabling Bodies Corporate to hold Property in Joint Tenancy.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Power for
corpora-
tions to hold
property as
joint ten-
ants.

1. — (1) A body corporate shall be capable of acquiring and holding any real or personal property in joint tenancy in the same manner as if it were an individual ; and where a body corporate and an individual, or two or more bodies corporate, become entitled to any such property under circumstances or by virtue of any instrument which would, if the body corporate had been an individual, have created a joint tenancy they shall be entitled to the property as joint tenants.

Provided that the acquisition and holding of property by a body corporate in joint tenancy shall be subject to the like conditions and restrictions as attach to the acquisition and holding of property by a body corporate in severalty.

(2) Where a body corporate is joint tenant of any property, then on its dissolution the property shall devolve on the other joint tenant.

Short Title.

2. This Act may be cited as **The Bodies Corporate (Joint Tenancy) Act, 1908.**

CHAPTER 24.**An Act to attach a Chief Clerk to the office
of Auditor of Public Accounts.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Auditor's Short Title.
Chief Clerk Act 1908.

2. There shall be attached to the office of Auditor of Public Accounts a Chief Clerk who shall receive an annual salary of One Hundred and Twenty Pounds payable out of the Treasury by warrant in the usual manner.

Appoint-
ment of
Chief Clerk.

3. This Act shall not come into operation unless and until the Governor notifies by Proclamation that it is His Majesty's pleasure not to disallow the same and subject as aforesaid it shall come into operation on the First day of August 1908, or as soon after that day as such Proclamation as aforesaid shall be made.

Commence-
ment.

CHAPTER 25.**An Act to continue in force The Explosives
Act 1902.**

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint

Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

Short Title. 1. This Act may be cited as The Explosives Act 1902 Continuation Act 1908.

Act continued 2. The Explosives Act 1902 shall be and the same is hereby continued in force from and after the coming into operation of this Act for the period of five years and from thence to the end of the then next session of the Legislature.

CHAPTER 26.

An Act to amend the Quarantine Act 1905.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title. 1. This Act may be cited as The Quarantine Act 1905 Amendment Act 1908.

Amendment. 2. The definition of "Quarantine Station" contained in section 1 of the Quarantine Act 1905 is hereby repealed and the following substituted therefor :—

"Quarantine Station" means Athol Island and such other place as may from time to time be appointed by the Governor in Council, and any other station which may be established or authorised to be used under the authority of this or any other Act.

CHAPTER 27.

An Act to amend The Dog License Act 1907.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and St. George Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Dog License Act 1907 Amendment Act 1908 and shall be read and construed as one with the Dog License Act 1907 hereinafter called the principal Act. Short Title.

2. Section 6 of the principal Act is amended by striking out the words "There shall be paid into the Treasury for every license issued under this Act" :— and by inserting in the place thereof the words "Every such license shall be issued by the Treasurer and there shall be paid to him at the Treasury in respect thereof :—". Amends section 6 of the principal Act.

3. Section 12 of the principal Act is amended by striking out the word "to" after the words "extend it" in the last line thereof. Amends section 12 of the principal Act.

CHAPTER 28.

An Act to enable the Florida East Coast Hotel Company of the State of Florida one of the United States of America to hold land within the Colony in addition to that now held under and by virtue of The Hotel and Steam Service Act 1898.

[8th June 1908].

WHEREAS the Florida East Coast Hotel Company a Corporation organized and existing under and by virtue of the Laws of the State of Florida one of

the United States of America, are desirous of holding land within the Colony.

And whereas a certified copy of the Act or Charter of Incorporation of the said Florida East Coast Hotel Company, issued under the laws of the said State of Florida, has been deposited in the Office of the Registrar of Records and has been recorded in the said Office in "Book No. 1 of Trading and other Companies" at page 136.

And whereas the said Florida East Coast Hotel Company have caused a public notice to be inserted in the Official Newspaper to the effect that such certified copy has been deposited and recorded in the Office of the Registrar of Records, and also setting forth the place within these Islands in which the said Company have established an office for the transaction of their business.

May it therefore please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows.

Short Title. 1. This Act may be cited as the Florida East Coast Hotel Company Act 1908.

Florida East Coast Hotel Company enabled to hold lands generally. 2. It shall be lawful for the said Florida East Coast Hotel Company to acquire and hold land within the Colony in their Corporate name and the same to deal with, transfer, mortgage, and dispose of as they may deem fit.

Extends provisions of the Companies Act 1896 and Companies Act 1868. 3. The provisions of the Companies Act 1866 and the Companies Act 1868, in so far as the same can be made applicable, shall extend to the said Florida East Coast Hotel Company in the same manner as if the said Company had been formed and incorporated under the said Acts.

4. All grants, conveyances or leases of land within the Colony which have been issued executed and made prior to the passing of this Act to or by the said Florida East Coast Hotel Company shall be and the same are hereby declared to be as valid and effectual as if the same had been issued executed and made after the passing of this Act.

Grants conveyances or leases of land already made deemed valid.

CHAPTER 29.

An Act to alter the name of the New Providence Asylum into the Bahamas General Hospital and for other purposes.

[8th June 1908].

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Hospital Act 1908 and shall be read and construed as one with the Asylum Act 1906 hereinafter referred to as the principal Act and this Act and the principal Act may be cited together as The Hospital Acts 1906 to 1908.

Short Title.

2. All references in any past present or future Act, including the principal Act, or in any Rule Regulation or Order made under any such Acts, to the "New Providence Asylum" or to the "Asylum," shall be deemed to refer to the "Bahamas General Hospital" and wherever the words "New Providence Asylum" or "Asylum" shall appear in any deed, contract, agreement, or other document, the same shall be read and construed as the "Bahamas General Hospital;" and the principal Act is hereby amended by substituting the words "Bahamas General Hospital" for the

References to the New Providence Asylum to be deemed references to the Bahamas General Hospital.

words "New Providence Asylum" and the word "Hospital" for the word "Asylum" wherever such words appear therein.

Amends sub-
section 2 of
section 10.

3. The principal Act is amended by striking out sub-section (ii) of section 10 thereof and by substituting therefor the following sub-section :

"(ii) He shall receive an annual salary not exceeding £200 and shall be entitled to engage in private practice, so far as the same shall not interfere with his duties as Assistant Surgeon."

Amends sec-
tion 10 by
adding new
sub-section.

4. Section 10 of the principal Act is amended by adding the following new sub-section thereto to be numbered (v) :

"(v) It shall be the duty of the Assistant Surgeon whenever requested by the Commandant or Sergeant Major of Constabulary, to visit and treat, and if necessary cause to be removed to the Hospital, all cases outside the Hospital which, in the opinion of the Commandant or Sergeant Major of Constabulary are urgent and require immediate medical or surgical aid and treatment, and of which they have become cognizant in the course of their official duty."

Commence-
ment.

5. This Act shall not come into operation until the Officer Administering the Government notifies by proclamation that it is His Majesty's pleasure not to disallow the same, and subject as aforesaid it shall come into operation on the 1st day of July, 1908.

CHAPTER 30.

An Act to amend the Public Service Examination Act 1888.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His

Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Public Service Examination Amendment Act 1908, and shall be read and construed as one with the Public Service Examination Act 1888 hereinafter called the principal Act. Short Title.

2. The principal Act is amended by inserting the words "other than Tidewaiters who have served for a period of less than five years" between the words "officers" and "now" in the proviso to the first section thereof and by striking out the Schedule thereto and by substituting therefor the following : Amends
principal
Act.

SCHEDULE A.

Clerks in the	Colonial Secretary's Department.
" " "	Receiver General's " "
" " "	Post Office
" " "	Civil Engineer's Department.
" " "	Audit Office.
" " "	Registrar of Records' Department.
Clerk in the	Police Office.
" " "	Nassau Market.

CHAPTER 31.

An Act regulating the Law as to Motor Cars in the Island of New Providence.

[8th June, 1908.]

MAY it please the King's most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the most Distinguished Order of Saint

Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title. 1. This Act may be cited as The Motor Car Act 1908.

Definition. 2. In this Act—
“Motor Car” includes motor cycle, and means any vehicle propelled by mechanical power, if it does not exceed three tons in weight unladen, and is so constructed that no smoke is emitted therefrom except from any temporary or accidental cause, whether such vehicle is used alone, or in order to propel not more than one other vehicle, whose weight together with that of the propelling vehicle, does not exceed four tons unladen : Provided that in calculating any such weight, the weight of any water, fuel, or accumulators used for the purposes of propulsion, shall not be included :

Provided further, that the Governor in Council may, by order to be published in the Gazette, increase the maximum weights of three tons and four tons mentioned in this section, subject to any conditions as to the use and construction of the vehicle to be prescribed by such order.

Reckless driving. 3. --(1) If any person drives a motor car on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the highway, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the highway, that person shall be guilty of an offence under this Act.

(2) Any peace officer may apprehend without warrant the driver of any car who commits an offence

under this section within his view, if he refuses to give his name and address or produce his license on demand, or if the motor car does not bear the mark or marks of identification.

(3) If the driver of any car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Act, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this Act.

4.—(1) Every motor car shall be registered with the Treasurer and the Treasurer shall assign a separate number to every car registered with him. Such registration shall remain in force for a period of twelve months from the date thereof, but shall be renewable, and the same provisions shall apply with respect to the renewal of registration as apply to the first registration.

Registration
of Motor
Cars.

(2) A mark, indicating the registered number of the car, shall be fixed on the car in such manner as the Treasurer requires in conformity with regulations of the Governor in Council made under this Act.

(3) A fee of five pounds shall be charged by the Treasurer on every registration or renewed registration of a car except in the case of motor cycles, for which the fee for every registration or renewed registration shall be five shillings.

(4) If a car is used on a public highway without being registered, or if the mark to be fixed in accordance with this Act is not so fixed, or if, being so fixed, it is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the car shall be guilty of an offence under this Act, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being ob-

scured or rendered not easily distinguishable. Provided that a person shall not be liable to a penalty under this section if he proves that he has had no reasonable opportunity of registering the car in accordance with this section, and that the car is being driven on a highway for the purpose of being so registered.

**License of
drivers.**

5.—(1) A person shall not drive a motor car on a public highway unless he is licensed for the purpose under this section, and a person shall not employ any person who is not licensed to drive a motor car.

If any person acts in contravention of this provision he shall be guilty of an offence under this Act.

(2) The Treasurer shall grant a license to drive a motor car to any person applying for it on payment of a fee of one pound unless the applicant is disqualified under the provisions of this Act.

(3) A license shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable, and the same provisions shall apply with respect to the renewal of the license as apply with respect to the grant of the license.

(4) A license must be produced by any person driving a motor car when demanded by a peace officer. If any person fails so to produce his license he shall be liable, on summary conviction, in respect of each offence to a fine not exceeding five pounds.

(5) Any person under the age of seventeen years shall be disqualified for obtaining a license (except that a license limited to driving motor cycles may be granted to a person over the age of fourteen years.)

**Suspension
of license
and qualifi-
cation.**

6.—(1) Any court before whom a person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor car, other than a first or second offence, consisting solely of exceeding any limit of speed fixed under this Act

- (a) may, if the person convicted holds any license under this Act, suspend that license for such time as the court thinks fit, and if the court thinks fit, also declare the person convicted disqualified for obtaining a license for such further time after the expiration of the license as the court thinks fit; and
- (b) may, if the person convicted does not hold any license under this Act, declare him disqualified for obtaining a license for such time as the court thinks fit; and
- (c) if the person convicted holds any license under this Act, shall cause particulars of the conviction and of any order of the court made under this section to be endorsed upon any license held by him, and shall also cause a copy of those particulars to be sent to the Treasurer.

(2) Any person so convicted, if he holds any license under this Act, shall produce the license within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence under this Act.

(3) A license so suspended by the court shall during the term of suspension be of no effect, and a person whose license is suspended or who is declared by the Court to be disqualified for obtaining a license shall, during the period of suspension or disqualification, be disqualified for obtaining a license.

(4) Any person who is by virtue of an order of the court under this section disqualified for obtaining a license may appeal against the order, in the same manner as a person may appeal who is ordered to be imprisoned without the option of a fine; and the court may, if it thinks fit, pending the appeal, defer the operation of the order.

(5) If any person, who under the provisions of this Act is disqualified for obtaining a license applies for or obtains a license while he is so disqualified, or

if any person whose license has been endorsed applies for or obtains a license without giving particulars of the endorsement, that person shall be guilty of an offence under this Act, and any license so obtained shall be of no effect.

**Forgery &c.,
identification mark or
license.**

7. If any person forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a car or any license under this Act, he shall be guilty of an offence under this Act.

**Duty to stop
in case of
accident**

8. A person driving a motor car shall, in any case, if an accident occurs to any person, whether on foot, on horseback or in a vehicle, or to any horse or vehicle in charge of any person owing to the presence of the motor car on the road, stop, and, if required, give his name and address, and also the name and address of the owner and the registration mark or number of the car; and if any person knowingly acts in contravention of this section, he shall be liable on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding twenty pounds, or, in the discretion of the court, to a term of imprisonment not exceeding one month.

**Motor car to
have a lamp
attached.**

9. During the period between one half hour after sunset and one half hour before sunrise, the person in charge of a motor car shall carry attached thereto—

- (a) A lamp so constructed and placed as to exhibit a white light in the direction in which the motor car is proceeding, such light being sufficiently clear and strong to afford adequate means of signalling the approach and position of the motor car, and
- (b) A lamp so constructed and placed as to illuminate the mark indicating the registered number of the motor car.

If any person fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds.

10. The person in charge of a motor car shall carry attached thereto a horn or other instrument capable of giving audible and sufficient warning of the approach or position of the motor car, and any person failing to carry or duly use the same, shall be liable on summary conviction to a fine not exceeding five pounds.

Motor car to have a horn attached.

11. A Motor Car registered under this Act shall not be within the meaning of any other Act relating to Carriages or Cabs.

Exemption of Registered Motor car.

12. Every person using on a highway a vehicle propelled by mechanical power other than a Motor Car as defined by this Act without having first obtained from the Governor in Council permission so to use the same shall be guilty of an offence against this Act.

Use of mechanical vehicles other than Motor car.

Provided always that such permission may be given subject to such terms and conditions and to the payment of such fees and for such periods of time as to the Governor in Council seem proper.

13. All motor cars registered under this Act and the persons engaged in driving them shall be subject to the regulations with respect to vehicles, made under the Street Traffic Act 1897, as if they had been specially mentioned therein, so far as such regulations are applicable to motor cars and such application is not specially excluded thereby.

Regulations under the Street Traffic Act 1897.

14.—(1) The Governor in Council may make regulations :—

Regulations by Governor in Council.

- (a) providing generally for facilitating the identification of motor cars, and in particular for determining and regulating generally the size shape and character of the identifying marks to be fixed under this Act and the mode in which they are to be fixed and to be rendered easily distinguishable, whether by night or by day, and with respect to the registration of cars, and the entry of particulars, including particulars of the ownership of the car, in the register,

and the giving of those particulars, and for making any particulars contained in the register available for use by the police, and for making the registration of a car void if the regulations as to registration are not complied with ; and

- (b) with respect to the licenses to be granted by the Treasurer under this Act, and in particular with respect to the register to be kept of those licenses and the renewal of licenses, and for providing special facilities for granting licenses to persons not resident in the Colony and for making any particulars with respect to any persons whose licenses are suspended or endorsed available for use by the police, and for preventing a person holding more than one license.

(2) The Treasurer shall comply with any regulations so made by the Governor in Council and may, if authorised by those regulations and in accordance therewith, charge in respect of the entry of particulars of the ownership of a car on change of ownership such fee, not exceeding ten shillings, as may be prescribed by the regulations, and in respect of the issue of a new license in the place of a license lost or defaced such fee not exceeding one shilling as may be prescribed by the regulations.

Power to
prohibit
Motor cars
on special
roads.

15. The Governor in Council may, by regulations made under this Act, prohibit or restrict the driving of any motor cars or of any special kind of motor cars, on any specified highway or part of a highway, which does not exceed fourteen feet in width, or on which ordinary motor car traffic would, in his opinion, be especially dangerous.

Rate of
speed.

16.—(1) A person shall not, under any circumstances, drive a motor car on a public highway at a speed exceeding twenty miles per hour, and, within any limits or place referred to in regulations made by the Governor in Council with a view to the safety of the public, a person shall not drive a motor car at a speed exceeding ten miles per hour.

If any person acts in contravention of this provision he shall be liable, on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds, but a person shall not be convicted under this provision for exceeding the limit of speed of twenty miles merely on the opinion of one witness as to the rate of speed.

(2) Where a person is prosecuted for an offence under this section, he shall not be convicted unless he is warned of the intended prosecution at the time the offence is committed, or unless notice of the intended prosecution is sent to him or to the owner of the car as entered on the register within such time after the offence is committed, not exceeding twenty-one days, as the Court thinks reasonable.

17. The Governor in Council shall give public notice of any regulation made in pursuance of this Act, prohibiting or restricting the use of motor cars on any highway, or part of a highway or limiting the speed of motor cars within any limits or place, and, for the purpose of giving effect to any such regulation, shall place notices in conspicuous places on or near the highway, part of a highway, limits or place to which the regulation refers.

**Erection of
notice
boards.**

18. A person guilty of an offence under this Act, for which no special penalty is provided, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or in the discretion of the Court to imprisonment for a period not exceeding three months.

Penalties.

19. Nothing in this Act shall affect any liability of the driver or owner of a motor car by virtue of any statute or at common law.

**Saving of
liability.**

20. It is hereby declared that this Act shall apply to persons in the public service of the Crown.

**Application
to servants
of the
Crown.**

Application of Act. 21. The provisions of this Act shall apply in the case of a roadway to which the public are granted access, in the same manner as they apply in the case of a public highway.

Extension of Act. 22. This Act shall extend to the Island of New Providence only.

Commencement. 23. This Act shall come into operation on the first day of July 1908.

CHAPTER 32.

An Act to facilitate the admission in Evidence of the Compilation of the Laws of the Colony.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short Title. 1. This Act may be cited as The Statute Law Evidence Act 1908.

The 1899 Compilation of Statutes printed by Messrs. Eyre & Spottiswoode, London Publishers, is hereby deemed to have 2. The Statute Law of the Bahamas collected and arranged by The Honourable Sir Ormond Drimmie Malcolm, Knight, Chief Justice of the Colony acting under the authority of His Excellency Sir Gilbert Thomas Carter, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Bahama Islands, and under the authority of 62 Victoria,

chapter 27. The Compilation of Laws Act, 1899 and comprised in a volume printed by Messrs. Eyre & Spottiswoode, Printers to the King's Most Excellent Majesty at London in the year 1901 and comprising all Acts of the General Assembly of the Bahama Islands in force to 62 Victoria, chapter 33, inclusive shall be deemed to have been and to be printed by the Government Printer of the Colony and that Messrs. Eyre & Spottiswoode, London Publishers, shall be deemed to have been appointed by the Colony the Government Printers of the revised Statute Book within the meaning of the Evidence (Colonial Statutes) Act 1907.

been printed
by the Gov-
ernment
Printer of
the Colony.

CHAPTER 33.

An Act granting a pension to James Anderson, late member of the Bahamas Police Force.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

1. This Act may be cited as The James Anderson Pension Act 1908.

Short Title.

2. From and after the coming into operation of this Act there shall be payable out of the Treasury by warrant in the usual manner to James Anderson, late member of the Bahamas Police Force, a pension at the rate of £15 per annum so long as he shall live.

Pension to
James
Anderson.

An Act to amend the Medical Act 1906.

CHAPTER 34.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short title.

1. This Act may be cited as The Medical Amendment Act 1908 and shall be read and construed as one with the Medical Act 1906.

Registered
practition-
ers entitled
to sue for
fees &c.

2. Every person registered as a qualified practitioner under the provisions of the Medical Act 1906 shall be entitled to recover in due course of law in respect of his practice any expenses, charges in respect of medicaments or other appliances, or any reasonable fees to which he may be entitled, unless he is a fellow or member of a college of physicians or surgeons, the fellows or members of which are prohibited by bye-law from recovering at law their expenses, charges, or fees, in which case such prohibitory bye-law, so long as it is in force, may be pleaded in bar of any legal proceeding instituted by such fellow or member for the recovery of expenses, charges, or fees.

CHAPTER 35.

An Act to consolidate and amend the law relating to Government Fire Engines.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His

Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and St. George Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Fire Engines Short Title.
Act 1908.

2. In this Act unless the context otherwise requires :--

“Brigade” means a volunteer fire brigade formed with the approval of the Governor in Council for any District in the Island of New Providence or in any Out Island town or settlement provided with an Engine. Interpretation.

“Chief Police Officer” means, in the Island of New Providence, the Commandant of Constabulary or other person for the time being in command thereof, and in an Out Island, the Resident Justice.

“Engine” means a fire engine provided by the Legislature.

“Fire Authority” means in the Island of New Providence, the Chief Police Officer, and in the Out Islands, the Board of Commissioners of Public Works for an Out Island town or settlement provided with an Engine.

“Member” means a member of a Brigade.

3. Every Engine shall be under the superintendence and control of the Fire Authority, subject nevertheless to the provisions hereinafter contained for the transfer of its custody to a Brigade and it shall be the duty of the Fire Authority to see that every Engine not so transferred is at all times kept in good working order and the expenses thereby incurred shall be expenses payable under this Act. Control of Engines.

Brigades to have charge of Engines.

4.-- (1) The Fire Authority, with the consent of the Governor in Council, may place any Engine in the custody and charge of any Brigade the Members of which shall be desirous of obtaining the same and who will undertake to keep the same in good working order and will consent to place themselves under the orders of the Chief Police Officer as their commanding officer and to observe such Rules and Regulations for their government as may be made under this Act.

(2) Every Engine at the coming into operation of this Act in the custody and charge of a Brigade shall be deemed to be in such custody and control under the authority of this Act.

Neglect of Engine by Brigades.

5. If a Brigade having taken charge of an Engine shall neglect to keep the same in proper condition and working order, the Fire Authority acting under the orders of the Governor, may retake possession of any such Engine and place the same in some proper public engine shed; and the Fire Authority may at all times enter into any place where an Engine is kept by any such Brigade for the purpose of inspecting or taking possession of the same, provided always that every Brigade from whose custody or charge an Engine has been taken under the provisions of this section shall have the right of appeal to the Governor in Council, whose decision in the matter shall be final.

Duty of Brigades in the Island of New Providence.

6. If a fire shall occur in the Island of New Providence it shall be the duty of every Member of the Brigade, having consented to take charge of an Engine on the terms hereinbefore required, to proceed without delay with the Engine in their charge to the scene of such fire, whether such fire shall occur in the District to which the Brigade may belong or in any other district, and there place themselves under the command of the Chief Police Officer and use all necessary efforts to extinguish such fire.

Duty of Brigades in Out Islands.

7. If a fire shall occur in an Out Island town or settlement it shall be the duty of the Members of the Brigade having consented to take charge of an Engine on the terms hereinbefore required, to proceed

without delay with the Engine in their charge to the scene of such fire, and there place themselves under the command of the Chief Police Officer, and use all necessary efforts to extinguish such fire.

8. On every occasion of a fire the Chief Police Officer shall take command of all Brigades and other persons who may voluntarily come forward and offer to work thereat, or who may be compelled to work as hereinafter provided for ; and the Chief Police Officer may remove or order any Peace Officer, fireman, or other person under his command as aforesaid, to remove any persons who interfere by their presence with the operations of the Brigades or other persons working under the orders of the Chief Police Officer and generally he may take any measures that appear expedient for the protection of life and property, with power, by himself or those acting under his orders, to enter into any lands or houses and to take possession of, or pull down, or blow up any house, fence, or other erections for the purpose of putting an end to a fire, doing as little damage as possible. He may also on any such occasion take possession of all private wells and tanks, and use the water therein for the purpose of extinguishing the fire.

Duty of
Chief Police
Officer at
fires.

9. All Peace Officers are hereby authorised and required, on the orders of the Chief Police Officer, to aid in the extinguishing of fires, and the Chief Police Officer is also empowered to require any other person who may be present at a fire, to assist in extinguishing such fire, or in removing property and any Peace Officer or other person refusing or neglecting to give assistance when required, if physically capable of doing so, shall be liable to a penalty not exceeding five pounds.

Peace Officers and
others to
obey the
Chief Police
Officer.

10. If, by the order of the Chief Police Officer, any house fence or other erection is pulled down or blown up or any other damage done to property under the authority of this Act, the owner shall be entitled to be compensated for the value thereof, such value to be ascertained by appraisers to be indifferently chosen by the Government and the owner.

Compensation for
damage.

Damage to buildings under this Act within the meaning of Insurance Policies.

11. The damage to any building resulting from the carrying out of the provisions of this Act shall be deemed to be damage by fire within the meaning of any Policy of Insurance against fire (notwithstanding anything to the contrary therein contained) now or hereafter in force in this Colony, and shall be recoverable in any Court of Law in this Colony as if the said building so insured had been destroyed by fire.

Stipendiary and Circuit Magistrate to act in absence of Chief Police Officer.

12. During the absence of the Chief Police Officer from a fire in the Island of New Providence all and every of the powers vested in that officer by this Act, save and except the command of the Brigades, shall and may be lawfully exercised by a Stipendiary and Circuit Magistrate.

Command of Brigades in the absence of Chief Police Officer.

13. During the absence as aforesaid of the Chief Police Officer from a fire in the Island of New Providence the senior officer then present of the Brigade for the district in which the fire is then existing, or, in case there shall be no Brigade for such district, the officer commanding the Brigade which shall first arrive at the fire, shall assume the command of all Brigades attending any such fire, direct the working of the Engines, and carry out all orders for enforcing the provisions of this Act which may be given to him by the Stipendiary and Circuit Magistrate but without any power on his part, without such orders, to enforce the same.

Annual inspection and report.

14. It shall be the duty of the Commandant of Constabulary to make an annual inspection of every Engine and to report on the condition thereof to the Governor in Council.

Expenses of removing engines, providing jetties, etc.

15. All expenses incurred in the removal of an Engine from the Island of New Providence to any Out Island town or settlement and in providing jetties or approaches to the sea for the use of all Engines and for the erection of suitable engine houses shall be payable under this Act.

Payment of expenses and compensation.

16. All expenses and compensation payable under this Act shall be paid out of the Treasury in the usual manner.

17. It shall be the duty of the Fire Authority to forward to the Colonial Secretary yearly, a detailed estimate of the probable expense of maintaining, oiling, cleaning and repairing the Engines and the appurtenances thereto, for the ensuing year, and for the purchase of any new engines, tools, or stores which may be required for the same.

Yearly estimate of expenditure.

18. The Governor in Council may make Rules and Regulations for carrying out the objects of this Act.

Rules and regulations.

19. The Acts set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column thereof.

Repeals.

SCHEDULE.

Regnal Year and Chapter.	Short Title.	Extent of Repeal
29 Vic. cap. 25	The Fire Brigade Act 1866.	The whole Act.
30 Vic. cap. 9	The Fire Brigade (Amendment) Act 1867.	The whole Act.
38 Vic. cap. 30	The Fire Brigade (Harbour Island) Act 1875.	The whole Act.

CHAPTER 36.

An Act to amend The Jury Laws.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

184 CH. 35. *Jury Amendment Act, 1908.* 7 & 8 EDW. 7.

Short Title. 1. This Act may be cited as The Jury Amendment Act 1908.

Tax collectors and Foreign Consular Officers exempt from service on Juries. 2. From and after the passing of this Act the following persons shall be and are hereby exempted from serving on Juries under the Jury Act 1863 and The Coroners Act 1908, viz. : Any person appointed to collect taxes under and by virtue of The Real Property Tax Amendment Act 1891 ; and any person holding the office of Consul, Vice-Consul, or Consular Agent of any Foreign Power.

CHAPTER 37.

An Act to amend the Inter Insular Mails Act 1907.

[8th June, 1908.]

MAY it please the King's most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

Short title. 1. This Act may be cited as The Inter Insular Mails Amendment Act 1908, and shall be read and construed as one with the Inter Insular Mails Act 1907.

Amends the 2nd Schedule of 7 Ed. 7, c. 7. 2. So much of the second Schedule to the Inter Insular Mails Act 1907 as fixes the rates of passage money is hereby repealed and the following is substituted therefor :

PASSAGE RATES BY SAILING VESSELS.

PASSAGE MONEY.	CABIN.	ELSEWHERE.
For any distance not exceeding 50 miles.	5s.	2s. 6d.
For every additional 25 miles or any part thereof.	1s. 3d.	8d.

The passage rates to be charged by vessels moved or propelled by steam or other mechanical power shall be such rates as shall be fixed by the Governor in Council in any contract made under the provisions of this Act.

CHAPTER 38.

An Act to exempt certain goods wares and merchandise from the payment of import duty.

[8th June 1908.]

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows:

1. This Act may be cited as The Tariff (No. 2) Act 1908. Short title.

2. The goods, wares and merchandize enumerated, described or referred to in the Schedule to this Act shall and may be imported into the Colony free of duty. Free Imports.

Re-print of
Schedule.

3. In printing any schedule of free imports under any other Act the goods, wares and merchandize enumerated, described or referred to in the Schedule to this Act shall be inserted in such first mentioned schedule in their proper alphabetical places.

SCHEDULE.

DUTY FREE IMPORTS.

Lawn Mowers.

Paper Boxes.

The ordinary casing or covering or receptacle of any goods, wares or merchandize, whether of wood, paper, cloth, tin, or any other metal or material—exclusive of trunks and valises.

CHAPTER 39.

An Act to codify the law relating to Marine Insurance.

[8th June 1908].

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

MARINE INSURANCE.

Marine in-
surance de-
fined.

1. A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure.

2.--(1) A contract of marine' insurance may, by its express terms, or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

Mixed sea
and land
risks.

(2) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract of insurance other than a contract of marine insurance as by this Act defined.

3.--(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

Marine ad-
venture and
maritime
perils de-
fined.

(2) In particular there is a marine adventure where ---

- (a) Any ship goods or other moveables are exposed to maritime perils. Such property is in this Act referred to as "insurable property";
- (b) The earning or acquisition of any freight, passage money, commission, profit, or other pecuniary benefit, or the security for any advances, loan, or disbursements, is endangered by the exposure of insurable property to maritime perils;
- (c) Any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property, by reason of maritime perils.

"Maritime perils" means the perils consequent on, or incidental to, the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints, and detentions of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

INSURABLE INTEREST.

Avoidance
of wagering
or gaming
contracts.

4. —(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract—

(a) Where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest ; or

(b) Where the policy is made “interest or no interest,” or “without further proof of interest than the policy itself, or “without benefit of salvage to the insurer,” or subject to any other like term :

Provided that, where there is no possibility of salvage, a policy may be effected without benefit of salvage to the insurer.

Insurable
interest de-
fined.

5. —(1) Subject to the provisions of this Act, every person has an insurable interest who is interested in a marine adventure.

(2) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure or to any insurable property, at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property or may be prejudiced by its loss, or by damage thereto, or by the detention thereof, or may incur liability in respect thereof.

When in-
terest must
attach.

6. —(1) The assured must be interested in the subject-matter insured at the time of the loss though he need not be interested when the insurance is effected :

Provided that where the subject-matter is insured “lost or not lost,” the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss, and the insurer was not.

(2) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

7.—(1) A defeasible interest is insurable, as also is a contingent interest.

Defeasible
or contin-
gent inter-
est.

(2) In particular, where the buyer of goods has insured them, he has an insurable interest, notwithstanding that he might, at his election, have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

8. A partial interest of any nature is insurable.

Partial in-
terest.

9.—(1) The insurer under a contract of marine insurance has an insurable interest in his risk, and may re-insure in respect of it.

Re-insur-
ance.

(2) Unless the policy otherwise provides, the original assured has no right or interest in respect of such re-insurance.

10. The lender of money on bottomry or respondentia has an insurable interest in respect of the loan.

Bottomry.

11. The master or any member of the crew of a ship has an insurable interest in respect of his wages.

Master's and
seamen's
wages

12. In the case of advance freight, the person advancing the freight has an insurable interest in so far as such freight is not repayable in case of loss.

Advance
freight.

13. The assured has an insurable interest in the charges of any insurance which he may effect.

Charges of
insurance.

14.—(1) Where subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

Quantum of
interest.

(2) A mortgagee, consignee, or other person having an interest in the subject matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3) The owner of insurable property has an insurable interest in respect of the full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

Assignment
of interest.

15. Where the assured assign, or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there be an express or implied agreement with the assignee to that effect.

But the provisions of this section do not effect a transmission of interest by operation of law.

INSURABLE VALUE.

Measure of
insurable
value.

16. Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows :—

- (1) In insurance on a ship, the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements (if any) incurred to make the ship fit for the voyage of adventure contemplated by the policy, plus the charges of insurance upon the whole :

The insurable value, in the case of a steamship, includes also the machinery, boilers, and coals and engine stores if owned by the assured, and, in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade :

- (2) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of the freight at the risk of the assured, plus the charges of insurance :

- (3) In insurance on goods or merchandise, the insurable value is the prime cost of the property insured, plus the expenses of and incidental to shipping and the charges of insurance upon the whole :
- (4) In insurance on any other subject-matter the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

DISCLOSURE AND REPRESENTATIONS.

17. A contract of marine insurance is a contract based upon the utmost good faith, and, if the utmost good faith be not observed by either party, the contract may be avoided by the other party.

Insurance
is uberrimæ
fidei.

18. (1) Subject to the provisions of this section, the assured must disclose to the insurer, before the contract is concluded, every material circumstance which is known to the assured, and the assured is deemed to know every circumstance which, in the ordinary course of business, ought to be known by him. If the assured fails to make such disclosure, the insurer may avoid the contract.

Disclosure
by assured.

(2) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium, or determining whether he will take the risk.

(3) In the absence of inquiry the following circumstances need not be disclosed, namely : —

- (a) Any circumstance which diminishes the risk ;
- (b) Any circumstance which is known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge, and matters which an insurer in the ordinary course of his business, as such, ought to know ;

- (c) Any circumstance as to which information is waived by the insurer :
- (d) Any circumstance which it is superfluous to disclose by reason of any express or implied warranty.
- (4) Whether any particular circumstance, which is not disclosed, be material or not, is, in each case, a question of fact.
- (5) The term "circumstance" includes any communication made to, or information received by, the assured.

Disclosure
by agent
effecting
insurance.

19. Subject to the provisions of the preceeding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer—

- (a) Every material circumstance which is known to himself, and an agent to insure is deemed to know every circumstance which in the ordinary course of business ought to be known by, or to have been communicated to him ; and
- (b) Every material circumstance which the assured is bound to disclose, unless it come to his knowledge too late to communicate it to the agent.

Representa-
tions pend-
ing negotia-
tion of con-
tract.

20. (1) Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it be untrue the insurer may avoid the contract.

(2) A representation is material which would influence the judgment of a prudent insurer in fixing the premium, or determining whether he will take the risk.

(3) A representation may be either a representation as to a matter of fact, or as to a matter of expectation or belief.

(4) A representation as to a matter of fact is true, if it be substantially correct, that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5) A representation as to a matter of expectation or belief is true if it be made in good faith.

(6) A representation may be withdrawn or corrected before the contract is concluded.

(7) Whether a particular representation be material or not is, in each case, a question of fact.

21. A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy be then issued or not ; and for the purpose of showing when the proposal was accepted, reference may be made to the slip or covering note or other customary memorandum of the contract.

When contract is deemed to be concluded.

THE POLICY.

22. Subject to the provisions of any statute a contract of marine insurance is inadmissible in evidence unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded, or afterwards.

Contract must be embodied in policy.

23. A marine policy must specify —

(1) The name of the assured, or of some person who affects the assurance on his behalf :

What policy must specify.

(2) The subject-matter insured and the risk insured against :

(3) The voyage, or period of time, or both, as the case may be, covered by the insurance :

4) The sum or sums insured :

(5) The name or names of the insurers.

Signature of insurer.

24.—(1) A marine policy must be signed by or on behalf of the insurer, provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

(2) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary be expressed, constitutes a distinct contract with the assured.

Voyage and time policies.

25.—(1) Where the contract is to ensure the subject-matter at and from, or from one place to another or others, the policy is called a “voyage policy,” and where the contract is to insure the subject-matter for a definite period of time the policy is called a “time policy.” A contract for both voyage and time may be included in the same policy.

(2) A time policy which is made for any time exceeding twelve months is invalid.

Designation of subject-matter.

26.—(1) The subject-matter insured must be designated in a marine policy with reasonable certainty.

(2) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

Valued policy.

27.—(1) A policy may be either valued or unvalued.

(2) A valued policy is a policy which specifies the agreed value of the subject-matter insured.

(3) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured whether the loss be total or partial.

(4) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

28.— An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained, in the manner herein-before specified. **Unvalued policy.**

29.—(1) A floating policy is a policy which describes the insurance in general terms, and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration. **Floating policy by ship or ships.**

(2) The subsequent declaration or declarations may be made by endorsement on the policy, or in other customary manner.

(3) Unless the policy otherwise provides, the declarations must be made in the order of dispatch or shipment. They must in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

30.—(1) A policy may be in the form in the Schedule to this Act. **Construction of terms in policy.**

(2) Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the Schedule to this Act shall be construed as having the scope and meaning in that Schedule assigned to them.

Premium to be arranged.

31.—(1) Where an insurance is effected at a premium to be arranged, and no arrangement is made, a reasonable premium is payable.

(2) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

DOUBLE INSURANCE.

Double insurance.

32.—(1) Where two or more policies are effected by or on behalf of the assured on the same adventure and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be over-insured by double insurance.

(2) Where the assured is over-insured by double insurance —

(a) The assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he may think fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act ;

(b) Where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy without regard to the actual value of the subject matter insured ;

(c) Where the policy under which the assured claims is an unvalued policy he must give credit, as against the full insurable value, for any sum received by him under any other policy :

- (d) Where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

WARRANTIES, &c.

33.—(1) A warranty, in the following sections relating to warranties, means a promissory warranty, that is to say, a warranty by which the assured undertakes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts. Nature of Warranty.

- (2) A warranty may be express or implied.

(3) A warranty, as above defined, is a condition which must be exactly complied with, whether it be material to the risk or not. If it be not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

34.—(1) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law. Which breach of warranty excused.

(2.) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied, and the warranty complied with, before loss.

(3) A breach of warranty may be waived by the insurer.

35.—(1) An express warranty may be in any form of words from which the intention to warrant is to be inferred. Express warranty or.

(2) An express warranty must be included in, or written upon, the policy, or must be contained in some document incorporated by reference into the policy.

(3) An express warranty does not exclude an implied warranty unless it be inconsistent therewith.

Warranty of
neutrality.

36.—(1) Where insurable property, whether ship or goods, is expressly warranted neutral, there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2) Where a ship is expressly warranted "neutral" there is also an implied condition that, so far as the assured can control the matter, she shall be properly documented, that is to say, that she shall carry the necessary papers to establish her neutrality, and that she shall not falsify or suppress her papers, or use simulated papers. If any loss occurs through breach of this condition, the insurer may avoid the contract.

No implied
warranty of
nationality.

37. There is no implied warranty as to the nationality of a ship, or that her nationality shall not be changed during the risk.

Warranty of
good safety.

38. Where the subject matter insured is warranted "well" or "in good safety" on a particular day, it is sufficient if it be safe at any time during that day.

Warranty of
seaworthi-
ness of ship.

39.—(1) In a voyage policy there is an implied warranty that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured.

(2) Where the policy attaches while the ship is in port, there is also an implied warranty that she shall, at the commencement of the risk, be reasonably fit to encounter the ordinary perils of the port.

(3) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure, but where, with the privity of the assured the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

40.—(1) In a policy on goods or other moveables there is no implied warranty that the goods or moveables are seaworthy.

No implied warranty that goods are seaworthy.

(2) In a voyage policy on goods or other moveables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other moveables to the destination contemplated by the policy.

41. There is an implied warranty that the adventure insured is a lawful one, and that, so far as the assured can control the matter, the adventure shall be carried out in a lawful manner.

Warranty of legality.

THE VOYAGE.

42.—(1) Where the subject-matter is insured by a voyage policy "at and from" or "from" a particular place, it is not necessary that the ship should be at that place, when the contract is concluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure be not so commenced the insurer may avoid the contract.

Implied condition as to commencement of risk.

(2) The implied condition may be negated by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or by showing that he waived the condition.

Alteration of
port of de-
parture.

43. Where the place of departure is specified by the policy, and the ship instead of sailing from that place sails from any other place, the risk does not attach.

Sailing for
different
destination.

44. Where the destination is specified in the policy, and the ship, instead of sailing for that destination, sails for any other destination, the risk does not attach.

Change of
voyage.

45. -- (1) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

(2) Unless the policy otherwise provides where there is a change of voyage, the insurer is discharged from liability as from the time of change, that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

Deviation.

46. -- (1) Where a ship, without lawful excuse, deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2) There is a deviation from the voyage contemplated by the policy —

- (a) Where the course of the voyage is specifically designated by the policy, and that course is departed from; or
- (b) Where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3) The intention to deviate is immaterial ; there must be a deviation in fact to discharge the insurer from his liability under the contract.

47.--(1) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but, in the absence of any usage or sufficient cause to the contrary, she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not there is a deviation.

Several
ports of
discharge.

(2) Where the policy is to "ports of discharge," within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not there is a deviation.

48. In the case of a voyage policy, the adventure insured must be prosecuted throughout its course with reasonable despatch, and, if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable.

Delay in
voyage.

49.--(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused—

Excuses
for deviation
or delay.

- (a) Where authorised by any special term in the policy ; or
- (b) Where caused by circumstances beyond the control of the master and his employer ; or
- (c) Where reasonably necessary in order to comply with an express or implied warranty ; or
- (d) Where reasonably necessary for the safety of the ship or subject-matter insured ; or
- (e) For the purpose of saving human life, or aiding a ship in distress where human life may be in danger ; or

- (f) Where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship : or
 - (g) When caused by the barratrous conduct of the master or crew, if barratry be one of the perils insured against.
- (2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course, and prosecute her voyage, with reasonable despatch.

ASSIGNMENT OF POLICY.

When and how policy is assignable.

50.—(1) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss.

(2) Where a marine policy has been assigned so as to pass the beneficial interest in such policy, the assignee of the policy is entitled to sue thereon in his own name ; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3) A marine policy may be assigned by indorsement thereon or in other customary manner.

Assured who has no interest cannot assign.

51. Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative ;

Provided that nothing in this section affects the assignment of a policy after loss.

THE PREMIUM.

When premium payable.

52. Unless otherwise agreed, the duty of the assured or his agent to pay the premium, and the duty of the insurer to issue the policy to the assured or his

agent, are current conditions, and the insurer is not bound to issue the policy until payment or tender of the premium.

53.—(1) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible to the insurer for the premium, and the insurer is directly responsible to the assured for the amount which may be payable in respect of losses, or in respect of returnable premium.

Policy effected through broker.

(2) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he has also a lien on the policy in respect of any balance or any insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

54.—Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgement, in the absence of fraud, conclusive as between the insured and the assured, but not as between the insurer and broker.

Effect of receipt on policy.

LOSS AND ABANDONMENT.

55.—(1) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

Included and excluded losses

(2) In particular,—

- (a) The insurer is not liable for any loss attributable to the wilful misconduct of the assured, but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even though the loss would not have happened but for the misconduct or negligence of the master or crew;

- (b) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay be caused by a peril insured against ;
- (c) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

Partial and total loss.

56. —(1) A loss may be either total or partial. Any loss other than a total loss, as hereinafter defined, is a partial loss.

(2) A total loss may be either an actual total loss, or a constructive total loss.

(3) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive, as well as an actual, total loss.

(4) Where the assured brings an action for a total loss and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5) Where goods reach their destination in specie but by reason of obliteration of marks, or otherwise, they are incapable of identification, the loss if any, is partial, and not total.

Actual total loss.

57. —(1) When the subject-matter insured is destroyed, or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof, there is an actual total loss.

(2) In the case of an actual total loss no notice of abandonment need be given.

58. Where the ship concerned in the adventure is missing, and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed.

Missing
ship.

59. Where, by a peril insured against, the voyage is interrupted at an immediate port or place, under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing and re-shipping the goods or other moveables, or in transshipping them, and sending them on to their destination, the liability of the insurer continues, notwithstanding the landing or transshipment.

Effect of
transship-
ment, &c.

60.—(2) Subject to any express provision, in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.

Construc-
tive total
loss defined.

(2) In particular, there is a constructive total loss.—

(i) Where the assured is deprived of the possession of his ship or goods by a peril insured against, and (a) it is unlikely that he can recover the ship or goods, as the case may be, or (b) the cost of recovering the ship or goods, as the case may be, would exceed their value when recovered : or

(ii) In the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired.

In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those

repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired ; or

- (iii) In the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.

Effect of
constructive
total loss.

61. Where there is a constructive total loss the assured may either treat the loss as a partial loss, or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

Notice of
abandon-
ment.

62.--(1) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer, he must give notice of abandonment. If he fails to do so the loss can only be treated as a partial loss.

(2) Notice of abandonment may be given in writing, or by word of mouth, or partly in writing and partly by word of mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3) Notice of abandonment must be given with reasonable diligence after the receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4) Where notice of abandonment is properly given, the rights of the assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6) Where notice of abandonment is accepted the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8) Notice of abandonment may be waived by the insurer.

(9) Where an insurer has re-insured his risk, no notice of abandonment need be given by him.

63.—(1) Where there is a valid abandonment the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured, and all proprietary rights incidental thereto.

Effect of
abandon-
ment.

(2) Upon the abandonment of a ship, the insurer thereof is entitled to any freight in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and, where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

PARTIAL LOSSES (INCLUDING SALVAGE AND GENERAL AVERAGE AND PARTICULAR CHARGES.

64.—(1) A particular average loss is a partial loss of the subject-matter insured, caused by a peril insured against, and which is not a general average loss.

Particular
average loss.

(2) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

65.—(1) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils.

Salvage
charges.

(2) "Salvage charges" means the charges recoverable under maritime law by a salvor independently of contract. They do not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

General
average loss.

66.—(1) A general average loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice.

(2) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonably made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime law, to the rateable contribution from the other parties interested, and such contribution is called a general average contribution.

(4) Subject to any express provision in the policy, where the assured has incurred a general average expenditure, he may recover from the insurer in respect of the proportion of the loss which falls upon him: and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5) Subject to any express provision in the policy, where the assured has paid, or is liable to pay, a general average contribution in respect of the subject insured, he may recover therefor from the insurer.

(6) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the

purpose of avoiding, or in connection with the avoidance of, a peril insured against.

(7) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

MEASURE OF INDEMNITY.

67.—(1) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or, in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity. Extent of liability of insurer for loss.

(2) Where there is a loss recoverable under the policy, the insurer, or each insurer if there be more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

68. Subject to the provisions of this Act and to any express provision in the policy, where there is a total loss of the subject-matter insured,--- Total loss.

(1) If the policy be a valued policy, the measure of indemnity is the sum fixed by the policy.

(2) If the policy be an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

69. Where a ship is damaged, but is not totally lost, the measure of indemnity, subject to any express provision in the policy, is as follows :-- Partial loss of ship.

(1) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty.:

- (2) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation, if any, arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above :
- (3) Where the ship has not been repaired, and has not been sold in her damaged state during the risk, the assured is entitled to be indemnified for the reasonable depreciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

Partial loss
of freight.

70. Subject to any express provision in the policy, where there is a partial loss of freight, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy.

Partial loss
of goods,
merchandise,
&c.

71. Where there is a partial loss of goods, merchandise, or other moveables, the measure of indemnity, subject to any express provision in the policy, is as follows :—

- (1) Where part of the goods, merchandise or other moveables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy :
- (2) Where part of the goods, merchandise, or other moveables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss :

- (3) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such a proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross sound and damaged values at the place of arrival bears to the gross sound value :
- (4) "Gross value" means the wholesale price or, if there be no such price, the estimated value, with in either case, freight, landing charges, and duty paid beforehand ; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value. "Gross proceeds" means the actual price obtained at a sale where all charges on sale are paid by the sellers.

72.--(1) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy. The insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the part bears to the insurable value of the whole, ascertained in both cases as provided by this Act.

Apportionment of valuation.

(2) Where a valuation has to be apportioned, and particulars of the prime cost of each separate species, quality or description of goods cannot be ascertained, the division of the valuation may be made over the nett arrived sound values of the different species, qualities, or descriptions of goods.

73.--(1) Subject to any express provision in the policy, where the assured has paid or is liable for, any general average contribution, the measure of indemnity is the full amount of such contribution, if the subject-matter liable to contribution is insured for its full contributory value ; but, if such subject-matter be

General average contributions and salvage charges.

not insured for its full contributory value, or if only part of it be insured, the indemnity payable by the insurer must be reduced in proportion to the under insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute.

(2) Where the insurer is liable for salvage charges the extent of his liability must be determined on the like principle.

Liabilities to
third parties.

74. Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability.

General provisions as to
measure of
indemnity.

75.--(1) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case.

(2) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

Particular
average
warranties.

76.--(1) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy be apportionable; but, if the contract be apportionable, the assured may recover for a total loss of any apportionable part.

(2) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable

for salvage charges and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded.

77.—(1) Unless the policy otherwise provides, and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

Successive
losses.

(2) Where, under the same policy, a partial loss, which has not been repaired or otherwise made good, is followed by a total loss, the assured can only recover in respect of the total loss :

Provided that nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

78.—(1) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under certain percentage.

Suing and
labouring
clause.

(2) General average losses and contributions and salvage charges, as defined by this Act, are not recoverable under the suing and labouring clause.

(3) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

(4) It is the duty of the assured and his agents, in all cases, to take such measures as may be reasonable for the purpose of averting or minimising a loss.

RIGHTS OF INSURER ON PAYMENT.

Right of
subroga-
tion.

79. —(1) Where the insurer pays for a total loss, either of the whole, or in the case of goods of any apportionable part, of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is hereby subrogated to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss.

(2) Subject to the foregoing provisions, where the insurer pays for a partial loss, he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified, according to this Act, by such payment for the loss.

Right of
contribu-
tion.

80. —(1) Where the assured is over-insured by double insurance, each insurer is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract.

(2) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

Effect of
under in-
surance.

81. Where the assured is insured for an amount less than the insurable value or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance.

RETURN OF PREMIUM.

82. Where the premium, or a proportionate part thereof is, by this Act, declared to be returnable,—

Enforcement of return.

- (a) If already paid, it may be recovered by the assured from the insurer ; and
- (b) If unpaid, it may be retained by the assured or his agent.

83. Where the policy contains a stipulation for the return of the premium, or a proportionate part thereof, on the happening of a certain event, and that event happens, the premium, or, as the case may be, the proportionate part thereof, is thereupon returnable to the assured.

Return by agreement.

84.—(1) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured.

Return for failure of consideration.

(2) Where the consideration for the payment of the premium is apportionable and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is, under the like conditions, thereupon returnable to the assured.

(3) In particular—

(a) Where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured ; but if the risk is not apportionable, and has once attached, the premium is not returnable :

(b) Where the subject-matter insured, or part thereof, has never been imperilled, the premium, or, as the case may be, a proportionate part thereof, is returnable :

Provided that where the subject-matter has been insured "lost or not lost" and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless, at such time, the insurer knew of the safe arrival :

- (c) Where the assured has no insurable interest throughout the currency of the risk, the premium is returnable, provided that this rule does not apply to a policy effected by way of gaming or wagering :
- (d) Where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable :
- (e) Where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable :
- (f) Subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable :

Provided that, if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy, and when the double insurance is effected knowingly by the assured no premium is returnable.

MUTUAL INSURANCE.

Modifica-
tion of Act
in case of
mutual in-
surance.

85.—(1) Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance.

(2) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association, or by the rules and regulations of the association.

(4) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

SUPPLEMENTAL.

86. Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of a loss. Ratification assured.

87.—(1) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negatived or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract. Implied obligations varied by agreement or usage.

(2) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

88. Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact. Reasonable time, &c., a question of fact.

89. Where there is a policy, reference may be made, as heretofore, to the slip or covering note, in any legal proceeding. Slip as evidence.

90. In this Act, unless the context or subject-matter otherwise requires,— Interpretation of terms.

“Action” includes counter-claim and set off :

“ Freight” includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money.

“ Moveables” means any moveable tangible property, other than the ship, and includes money, valuable securities, and other documents :

“ Policy” means a marine policy.

Savings. 91. The rules of the common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance.

**Commence-
ment.** 92. This Act shall come into operation on the first day of January one thousand nine hundred and nine.

Short Title. 93. This Act may be cited as ‘The Marine Insurance Act, 1908.

SCHEDULE.

Section 30.

FORM OF POLICY.

**Lloyds S. G.
policy.** BE IT KNOWN THAT as well in
own name as for and in the name and names of all
and every other person or persons to whom the same
doth, may, or shall appertain, in part or in all doth
make assurance and cause
and them, and every of them, to be insured lost or
not lost, at and from
Upon any kind of goods and merchandises, and also
upon the body, tackle, apparel, ordnance, munition,
artillery, boat and other furniture, of and in the good
ship or vessel called the
whereof is master under God, for this present voyage,
or whosoever else shall go for
master in the said ship, or by whatsoever other name

or names the said ship, or the master thereof is or shall be named or called ; beginning the adventure upon the said goods and merchandises from the loading thereof aboard the said ship,

upon the said ship, &c.

and so shall continue and endure, during her abode there, upon the said ship, &c. And further, until the said ship, with all her ordnance, tackle, apparel, &c., and goods and merchandises whatsoever shall be arrived at

upon the said

ship, &c., until she hath moored at anchor twenty-four hours in good safety ; and upon the goods and merchandises, until the same be there discharged and safely landed. And it shall be lawful for the said ship, &c., in this voyage, to proceed and sail to and touch and stay at any ports or places whatsoever

without prejudice to this insurance. The said ship, &c., goods and merchandises, &c., for so much as concerns the assured by agreement between the assured and assurers in this policy, are and shall be valued at

Touching the adventures and perils which we the assurers are contented to bear and do take upon us in this voyage : they are of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and counter-mart, surprisals, takings at sea, arrests, restraints, and detainments of all kings, princes, and people of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment or damage of the said goods and merchandises, and ship, &c., or any part thereof. And in case of any loss or misfortune it shall be lawful to the assured, their factors, servants, and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods and merchandises, and ship, &c., or any part thereof, without prejudice to this insurance ; to the charges whereof we, the assurers, will contribute each one, according to the rate and quantity of his sum herein assured. And it is especially declared and agreed that no acts of the insurer or insured in recovering, saving, or preserving the

[Sue and labour clause.]

[Waiver clause.]

property insured shall be considered as a waiver, or acceptance of abandonment. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we, the assurers are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured, at and after the rate of

IN WITNESS whereof we, the assurers, have subscribed our names and sums assured at

[Memorandum.]

N B.—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded—sugar, tobacco, hemp, flax, hides and skins are warranted free from average, under five pounds per cent., and all other goods, also the ship and freight, are warranted free from average, under three pounds per cent. unless general, or the ship be stranded.

— — —

RULES FOR CONSTRUCTION OF POLICY.

The following are the rules referred to by this Act for the construction of a policy in the above or other like form where the context does not otherwise require:—

Lost or not lost.

1. Where the subject-matter is insured “lost or not lost,” and the loss has occurred before the contract is concluded, the risk attaches unless, at such time the assured was aware of the loss, and the insurer was not.

From.

2. Where the subject-matter is insured “from” a particular place, the risk does not attach until the ship starts on the voyage insured.

3.—(a) Where a ship is insured “at and from ” At and from.
a particular place, and she is at that place in good
safety when the contract is concluded, the risk attaches [Ship.]
immediately.

(b) If she be not at that place when the contract
is concluded the risk attaches as soon as she arrives
there in good safety, and, unless the policy otherwise
provides, it is immaterial that she is covered by an-
other policy for a specified time after arrival.

(c) Where chartered freight is insured “at and [Freight.]
from ” a particular place, and the ship is at that place
in good safety when the contract is concluded the risk
attaches immediately. If she be not there when the
contract is concluded, the risk attaches as soon as she
arrives there in good safety.

(d) Where freight, other than chartered freight,
is payable without special conditions and is insured
“at and from ” a particular place, the risk attaches
pro rata as the goods or merchandise are shipped; pro-
vided that if there be cargo in readiness which belongs
to the shipowner, or which some other person has con-
tracted with him to ship, the risk attaches as soon as
the ship is ready to receive such cargo.

4. Where goods or other moveables are insured From the
“from the loading thereof,” the risk does not attach loading
until such goods or moveables are actually on board, thereof.
and the insurer is not liable for them while in transit
from the shore to the ship.

5. Where the risk on goods or other moveables safely land-
continues until they are “safely landed, they must be ed.
landed in the customary manner and within a reason-
able time after arrival at the port of discharge, and if
they are not so landed the risk ceases.

6. In the absence of any further license or usage, Touch and
the liberty to touch and stay “at any port or place stay.
whatsoever ” does not authorise the ship to depart from
the course of her voyage from the port of departure to
the port of destination.

Perils of the seas. 7. The term "perils of the seas" refers only to fortuitous accidents or casualties of the seas. It does not include the ordinary action of the winds and waves.

Pirates. 8. The term "pirates" includes passengers who mutiny and rioters who attack the ship from the shore.

Thieves. 9. The term "thieves" does not cover clandestine theft or a theft committed by any one of the ship's company, whether crew or passengers.

Restraint of princes. 10. The term "arrests, etc., of kings, princes, and people" refers to political or executive acts, and does not include a loss caused by riot or by ordinary judicial process.

Barratry. 11. The term "barratry" includes every wrongful act wilfully committed by the master or crew to the prejudice of the owner, or, as the case may be, the charterer.

All other perils. 12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.

Average unless general. 13. The term "average unless general" means a partial loss of the subject matter insured other than a general average loss and does not include "particular charges."

Stranded. 14. Where the ship has stranded, the insurer is liable for the excepted losses although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board.

Ship. 15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers, and coals and engine stores, if owned by the assured.

16. The term "freight" includes the profit derivable by shipowner from the employment of his ship to carry his own goods or moveables, as well as freight payable by a third party, but does not include passage money. Freight.

17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board. Goods.

In the absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.

CHAPTER 40.

An Act to amend the Hotel and Steam Service Act 1898.

[16th October, 1908.]*

MAY it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Hotel and Steam Service Amendment Act 1908, and shall be read and construed as one with The Hotel and Steam Service Act 1898 hereinafter called the principal Act. Short Title.

2. Sections 13 and 14 of the principal Act are amended by striking out the word "ten" and substituting therefor the word "five." Term of renewal reduced.

* Assented to by an Order of the King in Council dated 1st August, 1908, and proclaimed 16th October, 1908.

Amount of
subsidy in-
creased for
period of re-
newed con-
tract.

3. Section 14 of the principal Act is also amend-
ed by striking out the amount "£3500" and substi-
tuting therefor the amount "£5000."

Hotel to be
maintained
and carried
on for term
of renewal.

4. In the event of a renewed contract being en-
tered into under the provisions of section 13 of the
principal Act as amended by this Act such contract
shall for all purposes be deemed a contract for steam
service within the meaning of section 2 sub-section 2
of the principal Act.

Reduction
of voyages.

5. Section 2 sub-section 3 of the principal Act is,
as to any renewed contract made under the provisions
of section 13 of the principal Act as amended, amend-
ed by striking out the word "forty" and substituting
therefor the words "thirty-five."

Sections 4
and 5 of the
Hotel and
Steam
Service
Amendment
Act 1907 to
apply.

6. All the provisions of sections 4 and 5 of the
Hotel and Steam Service Amendment Act 1907 shall
apply to any renewed contract made under the pro-
visions of section 13 of the principal Act as amended
by this Act.

TABLE II.

Showing the effect of the year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL
ORDER) REPEALED OR AMENDED BY ACTS
OF 7 & 8 EDWARD VII.

Statute and Chapter.	Subject-matter or short title.	How affected.	Chapter of 7 & 8 Edw. VII.
2 Vic. c. 13	Marriage	... Section 1 to 7 9 to 12 15 to 19 repealed	4 s. 54.
5 Vic. c. 9	Marriage	... Repealed	4 s. 54.
37 Vic. c. 20	Marriage	... Repealed	4 s. 54.
11 Vic. c. 6	Copyright	... Repealed	3 s. 25.
25 Vic. c. 15	Registrar Records	... Section 22 strike out "Marriage Registers"	4 s. 54.
28 Vic. c. 1	Foreign Seamen	... Repealed	9 s. 18.
28 Vic. c. 37	Larceny	... Section 98 Repealed	5 s. 9.
29 Vic. c. 25	Fire Engines	... Repealed	35 s. 19.
30 Vic. c. 9	Fire Engines	... Repealed	35 s. 19.
36 Vic. c. 8	Revenue	... Section 45 from and in- clusive of "And as it is expedient to regu- late" in line 12 to the end of the section re- pealed	3 s. 25.
		Sections 66 and 81 Re- pealed	3 s. 25.
		Section 80 from and in- clusive of "and if such officer" in line 12 to the end of the section repealed	3 s. 25.
37 Vic. c. 19	The Board of Works (New Providence) Act 1874	... Repealed	8 s. 10.
38 Vic. c. 3	Marriage	... Repealed	4 s. 54.
38 Vic. c. 30	Fire Engines	... Repealed	35 s. 19.
39 Vic. c. 8	Registrar Records	... Section 1 amended	4 s. 54
40 Vic. c. 7	Export duty	... Repealed	3 s. 25

Statute and Chapter.	Subject-matter or short title.	How affected.	Chapter of 7 & 8 Edw. VII.
40 Vic. c. 9	Stamps ...	Section 6 amended ...	14 s. 2
42 Vic. c. 3	The Telegraph License Act 1879 ...	Repealed ...	8 s. 10
43 Vic. c. 4	Revenue ...	Section 2 repealed ...	3 s. 25
43 Vic. c. 14	The Telegraph Licenses Act 1880 ...	Repealed ...	8 s. 10
46 Vic. c. 3	Education ...	Repealed ...	7 s. 38
45 Vic. c. 16	Insurance Tax ...	Extended to Out Islands.	13 s. 2
47 Vic. c. 12	Export duty ...	Repealed ...	3 s. 25
49 Vic. c. 16	Education ...	Repealed ...	7 s. 38
51 Vic. c. 17	Education ...	Repealed ...	7 s. 38
51 Vic. c. 24	Service Examinations	Section 1 proviso amended Schedule repealed	30 s. 2
52 Vic. c. 10	The Board of Works Act 1889 ...	Repealed ...	8 s. 10
52 Vic. c. 19	Education ...	Repealed ...	7 s. 38
52 Vic. c. 25	Export duty ...	Repealed ...	3 s. 25
52 Vic. c. 27	Public Establishments	Sections 12 to 19 repealed & Schedule A so far as it relates to Out Islands	6 s. 18
54 Vic. c. 4	Salaries ...	Repealed as to Salary of third clerk in Treasury	16 s. 3
54 Vic. c. 10	Education ...	Repealed ...	7 s. 38
55 Vic. c. 5	Bills of Exchange ...	Section 82 of Imperial Act amended	15 s. 1
55 Vic. c. 15	Education ...	Repealed ...	7 s. 38
55 Vic. c. 17	Public Works ...	Repealed ...	8 s. 10
56 Vic. c. 6	Public Establishments	Repealed ...	6 s. 18
56 Vic. c. 14	Export duty ...	Repealed ...	3 s. 25
56 Vic. c. 17	Tariff ...	Repealed ...	3 s. 25
57 Vic. c. 7	Post Office ...	Section 1 amended ...	14 s. 3
57 Vic. c. 8	Tariff ...	Repealed ...	3 s. 25
58 Vic. c. 18	Tariff ...	Repealed ...	3 s. 25
58 Vic. c. 21	Board of Works ...	Repealed ...	8 s. 10
58 Vic. c. 23	Tariff ...	Repealed ...	3 s. 25

Statute and Chapter.	Subject-matter or short title.	How affected.	Chapter of 7 & 8 Edw. VII.
59 Vic. c. 1	Tariff	Repealed	3 s. 25
59 Vic. c. 10	Marriage	Repealed	4 s. 54
59 Vic. c. 23	Board of Works	Repealed	8 s. 10
59 Vic. c. 26	Supreme Court		
59 Vic. c. 27	Magistrates	Definition of "Small cause" new	5 s. 2
		Section 42 "other than homicide," substituted for "set forth in the first column of the first schedule of this Act"	5 s. 4
		Sections 44, 45, 46, Repealed	5 s. 9
		Section 91 proviso repealed	5 s. 9
		Section 96 Repealed	5 s. 8
		Section 133 "£25" substituted for "£10."	5 s. 3
		Section 134 Repealed	5 s. 3
		Section 137 "£5" substituted for "£2"	5 s. 3
		Section 215 (V) the words "either as to the plea of guilty of an adult or" and "and in the case of any other person, of the consent of such person to be tried by a Magistrate"	5 s. 9
		Schedule 1 Repealed	5 s. 9
		The proviso to section 91 Repealed	5 s. 9
60 Vic. c. 27	Education	Repealed	7 s. 38
61 Vic. c. 16	Public Establishments	Repealed	6 s. 18
61 Vic. c. 9	Continuing Act	Section 2 Repealed	1 s. 7
62 Vic. c. 6	Surveyor General	Repealed	8 s. 10
62 Vic. c. 17	Education	Repealed	7 s. 38
62 Vic. c. 23	Tariff	Repealed	3 s. 25
62 Vic. c. 30	House numbering	Repealed	10 s. 5
63 Vic. c. 4	Education	Repealed	7 s. 38
1 Ed. 7 c. 6	Education	Repealed	7 s. 38
1 Ed. 7 c. 20	Board of Works	Repealed	8 s. 10

Statute and Chapter.	Subject-matter or short title.	How affected.	Chapter of 7 & 8 Edw. VII.
2 Ed. 7 c. 13	Board of Works	... Repealed	8 s. 10
2 Ed. 7 c. 16	Public Establishments	Repealed	6 s. 18
2 Ed. 7 c. 24	Export duty	... Repealed	3 s. 25
2 Ed. 7 c. 20	Explosives	... Continued for 5 years	25 s. 2
4 Ed. 7 c. 6	Tariff	... Repealed	3 s. 25
4 & 5 Ed. 7 c. 2	Quarantine	... Section 1 definition of "Quarantine Station" repealed and another substituted	26 s. 2
4 & 5 Ed. 7 c. 15	Education	... Repealed	7 s. 38
4 & 5 Ed. 7 c. 18	Sponge and Turtle Fisheries	... Section 25 (1) "13" replaced by "14"	12 s. 2
		... Section 28 "13" replaced by "14"	12 s. 3
5 & 6 Ed. 7 c. 2	Poor Law	... So much as fixes Dispenser's salary repealed	16 s. 3
		... "New Providence Asylum" replaced by "Bahamas General Hospital"	29 s. 2
		... Section 10 partly repealed, and added to	29 ss. 3 & 4
5 & 6 Ed. 7 c. 7	Medical Practitioners.	... Authorized to sue for fees	34 s. 2
5 & 6 Ed. 7 c. 17	Expiring Laws	... So much thereof as continues in force the following Acts: 37 V. c. 19 55 17 58 21 59 23 2 Ed. VII c. 13 Repealed	8 s. 10 3 s. 25
5 & 6 Ed. 7 c. 9	Tariff	... Repealed	3 s. 25
5 & 6 Ed. 7 c. 23	Agriculture	... Section 8 (1) "£600" replaced by "£1000."	11 s. 2
7 Ed. 7 c. 1	Interpretation	... Section 2 "Land" new definition "Treasurer" amended New section between 23 and 24 Section 25 repealed	1 s. 2 1 s. 2 1 s. 3 1 s. 4
7 Ed. 7 c. 7	Inter-Insular Mails	... Schedule 2 amended	37 s. 2

Statute and Chapter.	Subject-matter or short title.	How affected.	Chapter of 7 & 8 Edw. VII.
7 Ed. 7 c. 8	Electric Light	Section 3 "or" inserted after "Board" Section 5 "£15000" substituted for "£11500." Section 6 "£15500" substituted for "£12000." Section 7 (1) repealed Section 7 (2) insert after "Revenue" in line one "and other monies standing to the credit of the Electric Light Fund." Section 8 "Public" struck out Section 10 (1) "practicable" added 12 A and 12 B inserted by secs. 9 and 10 Section 18 (1) "installed and" inserted before "supplied" in line three	22 s. 2 22 s. 3 22 s. 4 22 s. 5 22 s. 6 22 s. 7 22 s. 8 22 s. 11
7 Ed. 7 c. 11	Education	Repealed	7 s. 38
7 Ed. 7 c. 18	Dog License	Section 6 partly repealed Section 12 "to" in last line struck out	27 s. 2 27 s. 3

ADDENDA.*

Statute and Chapter.	Subject-matter or short title.	How affected.	Chapter of 7 & 8 Edw. VII.
61 & 62 Vic. c. 24	Hotel and Steam Service Act 1898	Section 2 sub-section 3 "thirty-five" substituted for "forty" Sections 13 and 14 "five" substituted for "ten" Section 14 "£5000" substituted for "£3500"	40 s. 5 40 s. 2 40 s. 3

* 7 and 8 Ed. VII c. 40 was assented to after the table had been printed.

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JUN 7 1909

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BAHAMAS.

ACT

PASSED IN THE EIGHTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD VII;

BEING THE

FIRST SPECIAL SESSION OF THE GENERAL
ASSEMBLY OF THE BAHAMA ISLANDS

BEGUN AND HOLDEN ON

THE 29TH DAY OF FEBRUARY, 1904.



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THE STATUTES.

8 EDWARD 7.

CHAPTER 1.

An Act in aid of sufferers from the recent hurricanes.

[17th December, 1908.]

WHEREAS it is desirable to make provision for the relief of persons in financial distress or rendered temporarily destitute by the recent hurricanes of September 11th-13th and October 1st, 1908, and for the reconstruction and repair of public buildings and works destroyed thereby.

May it please the King's Most Excellent Majesty that it may be enacted and be it enacted by His Excellency Sir William Grey-Wilson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same as follows :

1. This Act may be cited as The Hurricanes Short Title. Relief Act, 1908.

2.—(1) The Governor in Council is authorised and empowered before the 31st day of March, 1909 to appropriate from the special fund called the "Hotel Fund" formed under section 17 of The Hotel and Steam Service Act 1898 and the sum now invested under the head of "Surplus Funds" a sum not exceeding £8,000 as may be required for the following purposes :—

£8000 appropriated to 31st March 1909.

- (a) For the reconstruction and repair of public buildings, roads, and other property destroyed or damaged by the late hurricanes throughout the Colony ;
- (b) For providing provisions and other personal relief to the destitute inhabitants of the Colony ;
- (c) For the supply of materials for any absolutely necessary repair to the house of any widow. aged or infirm person, who is incapable of repaying a loan ; and
- (d) For advancing money by way of loan to the owners of houses destroyed or injured by either of the hurricanes ; which loan shall be on such security as the Governor in Council may require.

Period of
loans.

(2) Every advance made under the provisions of this section shall be repayable in not more than 5 years.

Form of
note.

3. Whenever any money shall be loaned by the Governor in Council under the authority of the preceding section, the party borrowing the same shall execute a note therefor, in the following form :

RECEIVED from the Bahamas Government, the sum of £ , money advanced to me by way of loan (*for the repair or reconstruction of my house ; insert accurate description ;*) and I hereby covenant to repay the same to the Treasurer with interest at the rate of three per cent. in (*months or years*) from the date hereof. I fully understand that the signing of this note makes me liable to the covenants set out in The Hurricanes Relief Act 1908.

WITNESS my hand and seal this
day of A.D. 190 .

(L.S.)

Witness.

And the execution of such note shall be witnessed by such persons as the Governor may appoint for

that purpose, free of any charge to the Colony. Such notes shall not bear any stamp duty.

4. Upon the execution of any such note, the same shall be deposited in the Treasury and there shall be kept in the Treasury and in the office of the Registrar of Records a book in which an alphabetical record of the names and descriptions of persons executing such notes, the amounts of the loans, and of the property in respect of which such loans were obtained, with the dates and periods for repayment, which books shall be open at all times, during office hours, to public inspection free of charge.

Custody of notes.

5. Upon the execution of any such note, the property in respect of which such loan has been obtained including the land upon which a house is erected, shall stand charged with the repayment of the amount loaned as aforesaid, which shall be and continue a permanent lien thereupon until repayment; and no disposition thereof until repayment of the amount advanced as aforesaid shall be valid or effectual to discharge the said lien: and it shall be valid against all assignment for the benefit of creditors, and against all assignees in bankruptcy, trustee under any deed, or executions and distresses and any mortgagee or incumbrancer or subsequent purchaser of such property.

Charge on property.

6. In such form of note there shall be implied on the part of the borrower, the following covenants with the Government of the Colony, that is to say :—

Covenants of the borrower implied by receipt in from.

- (a) To expend the said loan in repairing or reconstructing the house, as described in the note, and not otherwise.
- (b) To produce weekly, or at such intervals as may be required by any person authorised in writing by the Treasurer, an account showing the expenditure of the moneys advanced from time to time, vouched on oath, or by affirmation, or in such other manner as may be required by such person.

Offences.

7. Any person who obtains a loan under this Act, by means of any false representation ; any person to whom a loan is made under this Act, who wilfully applies the money so loaned to any other use or purpose than those specified in clause (a) of section 6 hereof ; any person making any false oath or affirmation under this Act ; and any person who, having obtained a loan under this Act, afterwards sells or disposes of, or converts to his own use, or wilfully destroys any of the property the subject of the charge created under this Act, without the consent in writing of the Governor in Council, shall be liable on summary conviction to be imprisoned, with or without hard labour for any term not exceeding six months. Provided that no prosecution of any such offence shall be begun or proceeded with, after the secured loans, interest and expenses shall have been satisfied.

Expenses.

8. The Treasurer may, on the warrant of the Governor in Council, pay to any person appointed by the Governor to carry out the purposes of this Act, or pay to the order of such person, any expenses that may be incurred in the carrying out of this Act under the authority of the Governor in Council.

Default in payment.

9.—(1) If default should be made in payment of any amount due upon the security of any such note as aforesaid, the Treasurer may take possession of the property charged as aforesaid and sell the same by public auction or private contract and the balance (if any) of the proceeds of such sale, after deducting all necessary expenses and the principal and interest secured by such note, shall be paid to the person so in default his heirs executors administrators or assigns.

(2) Nothing in this Act shall be construed as affecting the rights of the Government of the Colony to the recovery of moneys loaned under this Act and the Treasurer instead of proceeding under sub-section 1 of this section, or in addition to proceeding under such sub-section if directed by the Governor in Council, may deposit with the Registrar of the Supreme Court any note in respect of which default is made, and every such note so deposited shall have full force and effect in law to bind and affect all the

real and personal property in the Colony of the person who gave the same, as any judgment from the Supreme Court would have, and shall be entered up by the Registrar as such.

10. All reimbursements received on account of loans made under this Act shall be paid into the Treasury. Reimbursements.

11. All sums of money heretofore expended and appropriated by the Governor in Council for the purposes contemplated by this Act as well as on transport, relief works and superintendence shall be held and taken to be money expended and appropriated under the authority of this Act. And the Governor and all persons acting under his authority and by his direction are fully indemnified and saved harmless therefor in the same and the like manner and to all intents and purposes as if they had acted under the express authority of this Act. Indemnity.

12. A detailed account of all moneys expended or loaned under this Act shall be laid before both Houses of the Legislature before the close of the next session of the Legislature. Accounts.

13. The Act set out in the Schedule to this Act is repealed to the extent mentioned in the third column thereof. Repeal.

SCHEDULE.

Regnal Year and Chapter.	Short Title	Extent of Repeal.
7 Ed. 7. cap. 8.	The Electric Light Act 1907.	The words "including the Hotel Fund created under the Hotel and Steam Service Act 1898" in section 6.

